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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States parties due in 1992

Addendum

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[13 February 1996]

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I. INTRODUCTION

A. Position and efforts of the Government of the Democratic People's Republic of Korea to guarantee the rights of the child

1. It is well known that the great President Kim Il Sung said years ago that in the Democratic People's Republic of Korea the child is king of the country and nothing is spared for children. The word "king" is used metaphorically for a person who enjoys every privilege. The words of the President clearly show the position of the Government, namely to offer every privilege and preference to children. The Government takes good care of children not only as minors in need of attention and protection but as the treasure of the country and the successors in the great cause of realizing the ideal of mankind and carving out the future destiny of the country and nation. The Government spares nothing for children and tries to establish a social atmosphere of taking best care of and granting benefits to children. As a result, it is now a popularized social consciousness and convention and an important guideline of the people's power organs to pay attention to children and give them preferential opportunities for the things they need.

2. In the Democratic People's Republic of Korea, a people's power organ is the protector of the independent rights of the masses and the custodian of people's life. For the questions related to children too, the Government assumes direct responsibility. The Government acknowledges that a favourable family environment and the responsible role of parents ought to be respected and encouraged for the health, education and exercise of civil rights of children, and that conditions should be offered for the development of their individual talents and the realization of their wishes.

3. However, it is the viewpoint of the Government that, as children are also members of the society, the society and the State play an important role in carving their destiny. The Government endeavours to discharge fully its mission and obligations by actually enforcing a free medical-care system, a free compulsory education system and other progressive systems of the State and the society and responsibly providing every legal social, material and economic condition for the realization of the rights of the child.

4. The Government has set forth the clear target of bringing up the young generation and the ways to realize it based on the position that the future of mankind and the prospects of a nation are entirely dependent on the child. The target is to educate children to become human beings, comprehensively developed and reliably prepared in terms of knowledge, spiritual virtue and physical health. The Government guarantees this through a completely free compulsory education and a universal free medical-care system.

5. The Government has made strenuous efforts to ensure the rights of the child since it came to power. The work to realize the rights of the child has a long tradition in the Democratic People's Republic of Korea. The "Ten-Point Programme of the Association for the Restoration of the Fatherland", which was issued on 5 May 1936, when Korean patriots were waging a war against the colonial rule of the Japanese imperialists, called for the abolition of any

system of discrimination, the institution of a free compulsory education system, prohibition of the employment of children and other basics for the rights of the child.

6. The Provisional People's Committee of North Korea, the people's power organ that existed immediately after liberation, discussed the question of pencil production at its first session in February 1946 as its first agenda item since its establishment to take measures for the education of the chil and adopted the decision entitled "Regulations on the school education syst of North Korea and measures for its realization" in December 1946 to abolis the education system of colonial slavery and set up a new popular education system.

7. Even in the days of the hard-fought Fatherland Liberation War (June 1950-July 1953), school education continued in various forms, bearing mind the actual situation. The Government protected and educated children a more active way by setting up schools for the sons and daughters of patriotic martyrs in January 1951 and baby farms for war orphans in April 1951. Though the situation was difficult, the Government introduced free medical system in January 1953.

Development of the education system after the war

Year	Content	Legal basis
1956	Introduction of compulsory primary education system. Abolition of tuition fees in primary schools	Decision of the ninth sessio of the First Supreme People' Assembly (11 March 1955)
1958	Introduction of compulsory secondary education system. Abolition of tuition fees in secondary schools	Decree
1959	Abolition of all tuition fees	Cabinet decision (2 March 1959)
1967	Introduction of universal compulsory 9-year technical education	Law of the Supreme People's Assembly (November 1966)
1973	Introduction of universal compulsory 10-year senior middle-school education and compulsory 1-year preschool education	Law of the Supreme People's Assembly (9 April 1973)
1975	Completion of the universal compulsory 11-year free education system	Law of the Supreme People's Assembly (fifth session of the fifth Supreme People's Assembly)

8. Along with the progress in the struggle for the construction of a new society after the war, the Government of the Republic introduced and develop the universal free compulsory education system and adopted the Law on Educating and Rearing Children on 29 April 1976, to frame in law the State policy of Society's responsibility for bringing up and educating children.

3 April 1989, the completely free medical system and the prophylactic line that had been enforced in the Republic were made into law by the adoption of the Public Health Law, and the preventive medical service for children was firmly guaranteed.

9. The Civil Law, adopted on 5 September 1990, defined the civil rights of children, and the Family Law, adopted on 24 October 1990, provided for the special protection of children in family relations.

B. Aims and significance of accession to the Convention

10. The Government of the Democratic People's Republic of Korea admitted that the principles and requirements of the Convention coincided with its principled position in many aspects and were necessary for the realization of the ideal and wishes of mankind and acceded to the Convention in September 1990.

11. The aim of the Democratic People's Republic of Korea when it acceded to the Convention was to protect and improve the rights of the child more reliably by developing the exchange of advanced experiences in the realization of the rights of the child on a world-wide scale and the promotion of international assistance and cooperation in the protection and education of children.

12. By its affiliation with the Convention, the Government came to have a broader legal guarantee for the realization of the rights of the child.

C. Measures for and method of preparing the report

13. The Government of the Democratic People's Republic of Korea took every step for the preparation of the first report on its implementation of the Convention according to paragraph 1, article 44 thereof. A report preparation committee was formed comprising experts of the Foreign Ministry, the Education Commission, the Ministry of Public Health, the Legislative Department of the Standing Committee of the Supreme People's Assembly, the League of Socialist Working Youth of Korea, the Democratic Women's Union, the Research Institute of Law under the Academy of Social Science and the judicial and procuratorial organs, which comprehensively reviewed the implementation of the Convention at the national level and drafted the present report. The report covers the period from the ratification of the Convention by the Democratic People's Republic of Korea to 1994.

14. The Committee endeavoured to describe clearly, with appropriate data, the legal and administrative steps taken by the Government for the rights of the child, along with their implementation status, and provided statistical information, where appropriate.

15. In the report, the Committee, while strictly following the system and requirements of the guidelines, presented some additional information deriving from the specific realities of the country and confined itself to very simple

statements only, on drug abuse, sexual exploitation, the abduction or sale or traffic in children and other issues that do not arise in the Democratic People's Republic of Korea.

II. GENERAL MEASURES FOR IMPLEMENTATION

A. Embodiment of the requirements of the Convention in national laws and policies

16. The Government of the Democratic People's Republic of Korea, inter ali reconfirmed or made amendments and additions to existing laws:

(a) In April 1992, the third session of the ninth Supreme People's Assembly revised the Socialist Constitution of the Democratic People's Republic of Korea to bring it into line with the emerging realities. The Constitution, reflecting the achievements of the Government, provides for raising the new generation as reliable human beings who are knowledgeable, morally sound and physically healthy (art. 43), developing universal compulsory 11-year education (art. 45), providing education to all pupils a students free of charge (art. 47), maintaining all children of preschool ag in crèches and kindergartens at State and public expense (art. 49), consolidating and developing the system of universal free medical service (art. 56), special protection of mothers and children (art. 76), etc;

(b) The Law on Educating and Rearing Children adopted in April 1976 details the principled requirements of raising children at State and public expense, the practical method of educating and bringing children up in a scientific and cultural way, the tasks of crèche and kindergarten teachers, the modes of setting up child-care institutions, guidance and management of the work to educate and bring children up and so on;

(c) The Public Health Law stipulates that the State should provide t benefits of complete and universal free medical service to all children, wi no restriction and take good care of the health, nutrition and hygiene of children in a scientific way (see paras. 120-135 below), the Socialist Labo Law prohibits employment of children (see para. 198) and the Criminal Law a the Criminal Procedures Act lay down the principles of penal policy for the special protection of children.

17. The Democratic People's Republic of Korea embodied the requirements o the Convention by adopting new laws:

(a) The Civil Law adopted in September 1990 determines equal capacit of civil rights between adults and children (art. 19), grants the possibili of civil action by children through their parents or guardians (art. 21) an elaborates the methods of discharging civil responsibility (arts. 243 and 244), following the requirements of articles 2, 3, 12, 16, etc., of the Convention;

(b) The Family Law adopted in October 1990 provides for special protection of the interests of children and mothers (art. 6) and the

responsibility of parents for children's education, health, physical development (arts. 27 and 28) and covers the questions of step-children, adoption and its annulment, guardianship, inheritance, etc., exclusively in the interests of the children, in view of articles 3, 9 to 11, 18, 20 and 21, etc., of the Convention.

18. As is seen above, most of the requirements of the Convention have long been in force in the Democratic People,s Republic of Korea, some to a transcendental degree.

19. The Government, steadily paying great attention to the health and education of children, has mapped out a brilliant future. It set forth the strategic tasks of protecting children's health more thoroughly and of supplying them with better conditions for education between 1990 and 2000, with a view to developing the State policies of the universal free medical service, the universal compulsory 11-year free education, the system of educating and bringing children up under the responsibility of the State, granting special benefits to mothers, etc.

20. The tasks are, in brief:

(a) To strengthen the material and technical basis of the health-care institutions for children, build new research facilities or expand existing ones and enhance medical service for children in order to protect children's health;

(b) To improve the educational environment, content and method, modernize educational facilities, develop research for new methods of education and work to train teachers systematically, in order to develop the education of children;

(c) To supply hygienic drinking water, etc.

21. In addition, the Government put forward clear indices to be conquered in the fields of public health, nutrition, maternal health, family planning, education, etc., for the development of child protection between 1990 and 2000.

B. Structure for the fulfilment of child-related policies and for monitoring the implementation of the Convention

22. In the Democratic People's Republic of Korea, the State policies for children constitute an important part of the work of different State organs and public organizations. Among scientific research organs, too, there are institutes for children's education, health and development.

23. The major State organs that are concerned with the fulfilment of child-related policies are the Ministry of General Education (under the Education Commission), the Ministry of Public Health and the Ministry of Commerce (under the Commission on Public Welfare), which are branch organs of the Administration Council.

24. The Ministry of General Education administers the whole of child education, including the precise enforcement of universal compulsory 11-year education. The Ministry consists of the Department for the Administration of General Education, the Department for the Administration of Kindergartens, the Department of Science and Educational Method and other specialized departments in charge of other sectors of child education and supporting material. Local organs for educational administration are the educational department of the provincial (or municipal) administrative and economic committee and the educational section of the administrative and economic committee of city (or district) and county.

25. The Ministry of Public Health is the public health administration organ that carries out the child health-care policy through its administration of the complete and universal free medical-care system. The Ministry has the Department of Treatment and Prevention, the Department of Crèche Administration and others that are necessary for the fulfilment of the child health-care policy. The Department of Crèche Administration coordinates all aspects of the nursing of children at the crèche stage.

26. The Ministry of Commerce, the commercial administrative organ of the Government, materially supports child-raising and education through its unified administration of commodity supplies and commodity sales service. The administrative department of material supplies for crèches and kindergartens under the Ministry supplies material through material supply centres for crèches and kindergartens.

27. There are such public organizations for the support of the rights of the child as the Socialist Working Youth League of Korea, the Korean Democratic Women's Union, etc.

(a) The Socialist Working Youth League of Korea is a mass organization of young people that guides the study and life of primary and senior middle schools pupils.

(b) The Korean Democratic Women's Union, the mass organization of working women, pays great attention to the improvement of the activities of women and the family in the education and upbringing of children, as a part of its own work.

28. As research organs for child education and health-care, there are the Academy of Educational Science and the Institute for Research into Nutritional Care of the Child, the Institute for Research into Nutritional Foodstuffs for the Child, the Section of Child Health-care Arrangements and Methods, the Institute for Research into Child Hygiene, etc. under the Korean Academy of Medical Science. These research organs assure scientific assistance to the State organs that administer the fulfilment of child-related policies.

C. Measures for the dissemination of the principles and provisions of the Convention

29. After its accession to the Convention, the Government of the Democratic People's Republic of Korea took measures to disseminate the provisions and principles of the Convention as required by article 42. The measures include

lectures, short courses, seminars, publications, reports, propaganda, notification through mass organizations, education through schools, etc.

30. In September 1990, after its accession to the Convention, the Government organized lecture meetings for the officials of the central organs on the topics of the international situation that had given rise to the Convention, the particulars of the Democratic People's Republic of Korea's accession to the Convention, the popular principles and requirements of the Convention, etc.

31. In August 1991, the Government disseminated information on the purpose and significance of its accession to the Convention, the principled requirements of the provisions of the Convention, the tasks for the implementation of the Convention and the way to realize them through the officials of the Education Commission, the Ministry of Public Health, the Commission on Public Welfare, the Central Committee of the Socialist Working Youth League of Korea and the Central Committee of the Korean Democratic Women's Union.

32. Lecture meetings and short courses on the implementation of the Convention were organized in each province and county as well, in conformity with the local realities.

33. The Government reported its accession to the Convention through mass media, the Foreign Languages Publishing House translated and published 5,000 copies of the full text of the Convention, and the Kumsong Youth Publishing House and the Educational Books Publishing House published tens of thousands of copies of different booklets on the role of the State and society in the realization of the rights of the child.

34. The text and guidebooks to the Convention were distributed not only at the government level to State organs and local administrative organs, but to public organizations, including the Socialist Working Youth League of Korea and Korean Democratic Women's Union. On the occasion of the International Day of the Child (1 June) and the anniversary of the Democratic People's Republic of Korea affiliation with the Convention, posters, commemorative stamps and other propaganda articles were produced and disseminated to the whole country.

35. Along with the submission of the present report to the United Nations, the Government distributed a notification and the copies of the report to the central and local people's power organs, educational and public health organs, the Socialist Working Youth League of Korea and the Korean Democratic Women's Union.

D. International cooperation and exchange

36. The Government of the Democratic People's Republic of Korea continues to expand and develop its cooperation and exchange with the international organizations concerned and with many other countries in its implementation of the Convention. Specifically, the ties between the Democratic People's Republic of Korea and the United Nations Children's Fund (UNICEF) developed even more after its accession to the Convention. The cooperation offered by UNICEF has been a valuable help in the implementation of the Convention.

37. The Government of the Democratic People's Republic of Korea will in the future, too, spare no effort to develop further its friendly and cooperative relations with international organizations and other countries.

III. DEFINITION OF THE CHILD (art. 1)

38. The Civil Law adopted on 5 September 1991, following the requirement of the Constitution, defined that majority is attained at the age of 17 (art. 20 of the Civil Law). This is one year earlier than the definition in article 1 of the Convention, but is based on the reality that one is mature enough physiologically and physically and reaches the level of an adult mentally and morally at the age of 17.

39. In the Democratic People's Republic of Korea, children finish the senior middle-school course at the age of 16 according to the universal compulsory 11-year education system, followed by 1 year's vocational education before they go out to the world as full-fledged adults.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

40 The requirement of article 2 was already basically satisfied in the period of democratic reform immediately after liberation in 1946:

(a) The Democratic People's Republic of Korea is a homogeneous nation and does not have the question of race, skin colour, language or ethnic discrimination;

(b) By the Law on Sex Equality of 1946, women were endowed with equal rights with men, and this has become deep-rooted in the social consciousness. Sex equality applies fully to children as well;

(c) A final end was put to any discrimination on the ground of religion, political opinion and social status immediately after liberation by the democratic laws. Article 65 of the current Socialist Constitution lays down that citizens enjoy equal rights in all spheres of State and Public Activity;

(d) Gaps between families in terms of property are very small today as a result of the elevated role of the people's power organs in their capacity of custodians of people's life. Therefore, discrimination by property status does not exist either in the form of policy or social consciousness;

(e) There is no legal discrimination of any kind against children either malformed at birth or crippled after birth and, on the contrary, special social protection measures are taken for them. Disabled children are provided with adequate education, including blind and dumb schools, and the facilities offered to them for their school attendance or medical treatment very according to the individual cases of disability (see paras. 136-140 below).

B. Best interests of the child (art. 3)

41. It is the invariable principle of State policy to take the interests of the child into primary consideration. Article 76 of the Socialist Constitution and article 6 of the Family Law define special protection of the interests of children and mothers, and article 12 of the Law on Educating and Rearing Children state that the State and public cooperative organizations should supply, on their own responsibility, the things needed for the education and rearing of children under the principle "the best for the children!".

42. By article 22 of the Family Law, the one who is to bring up children after the parents' divorce is decided in the interest of the children.

43. The Family Law Article 6, paragraph 2, requires the State to direct primary attention to supplying mothers with the conditions for educating and bringing up their children soundly. The obligations of parents in the education of children are defined in article 27 and the duty of parents to be responsible for and take care of the health and physical growth of their children is defined in article 28.

44. Parents in this law includes children's legal guardians as well as natural parents. The implementation of the provisions of the Family Law defining the duty of parents and legal guardians to protect and look after their children is supervised by the population administration organs (art. 45 of the Law) and serious violations of the requirements are dealt with by law in courts concerned.

45. The Democratic People's Republic of Korea underlines the role of parents, but attaches greater importance to the full-time State institutions for rearing and educating children in the protection and rearing of children.

46. The interests of children are thoroughly protected by the special State institutions for child rearing and education. The State administration organs always pay great attention to the administration of and the material supplies for the institutions. This work principle of the State administration organs is reflected in articles 47 to 49 of the Law on Educating and Rearing Children.

47. As is seen above, the legal provisions on the best interests of the child are wide-ranging and exhaustive in the Democratic People's Republic of Korea. The requirement of the Government to offer special benefits and preferential rights to children is now embodied in the orderly national work system and has become deep-rooted in the consciousness of the people.

C. Right to life, survival and development of the child (art. 6)

48. The Government of the Democratic People's Republic of Korea does not permit the slightest encroachment upon the life of the child and ensures children the best conditions for survival and development.

49. The right to inviolability of the person defined in article 78 of the Socialist Constitution does not make an exception for children, and their life is protected by article 56.

50. There is no provision for considering the life of a child, even a newborn, less important than that of an adult. On the contrary, a heavier penalty is due according to the Criminal Law if a crime is committed against a child (art. 153) or if a person has encouraged a minor to commit or take part in a crime (art. 132).

51. By strict directive of the public health administration organ, a ban is placed on illegal medical practices using the internal organs or parts of a human body, including those of children.

52. The principled requirement to provide children with the right to survival and development is intensively reflected in chapter 2 of the Law on Educating and Rearing Children, which stipulates the education and rearing of children at State and public expense, and in the Public Health Law as well as other laws and regulations of education (see sect. VII. A below).

D. Respect for the views of the child (art. 12)

53. Children are also unreservedly guaranteed, like other citizens, freedom of speech, of the press, of assembly, demonstration, association and religious belief and the right to submit complaints and petitions provided for in articles 67 to 69 of the Socialist Constitution. This is on the assumption that the child is capable of forming his or her own views.

54. In special legal actions, the opinion of a child is to be considered carefully. Article 31, paragraph 2, of the Family Law stipulates that, when a child of more than six years of age is to be adopted, his or her agreement is needed. According to the Law on Nationality, the nationality of a child may be changed only with his or her agreement.

55. By virtue of article 147 of the Criminal Procedures Act, the voluntary testimony of a child has the value of evidence if it coincides with others and thus children are provided with the opportunity to take the floor in court directly or by proxy.

56. The details of the embodiment of the principle of respecting children's views are described in paragraphs 67 to 71 and 79 to 83 below.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

57. In the Democratic People's Republic of Korea, every child is registered with the population administration organ and the identity registration organ and is issued with a birth certificate within 15 days from birth, in accordance with the regulations on identity registration. A birth certificate has the child's name, sex, birth date, birthplace, nationality and parents'

names on it. By its birth registration, the child is endowed with the right to receive all sorts of social benefits. There have not been any cases of avoiding or overlooking birth registration.

58. Children, in principle, follow the family name of kinship, which is the national tradition. This is mentioned in article 26 of the Family Law: "Children shall follow the family name of their father. If this is impossible, they may follow that of their mother, and in case both parents are unknown, the population administration organ shall decide". Newborn children are traditionally named by their parents, grandparents or close relations and there is no legal regulation on how to coin names.

59. Children are guaranteed the right to nationality after birth by law. Article 62 of the Socialist Constitution reads: "The terms for becoming a citizen of the Democratic People's Republic of Korea are defined by the Law on Nationality," which provides that the nationality of a newborn child shall be decided mainly by blood ties and in some particular cases by birthplace. Under this principle, a child born of citizens of the Democratic People's Republic of Korea is a citizen of the Democratic People's Republic of Korea irrespective of its birthplace and a child born in the territory of the Democratic People's Republic of Korea between a citizen of the Democratic People's Republic of Korea and a foreigner is also a citizen of the Democratic People's Republic of Korea.

60. The nationality of a child born between an overseas citizen of the Democratic People's Republic of Korea and a foreigner is decided according to the will of the parents or guardians. That of a minor above 14 years of age follows the will of parents or guardians subject to the agreement of the minor. If the intention of a minor differs from that of his or her parents or guardians, the former has greater weight. If parents acquire or lose the citizenship of the Democratic People's Republic of Korea, the nationality of a child under 14 years of age is changed to that of the parents except that of a child between 14 and 16 years of age is changed only with his or her own agreement and the will of the parents. In this case, if the parents have no view or a different view, the intention of the minor is respected. If one of the parents who have the citizenship of the Democratic People's Republic of Korea changes citizenship the nationality of the child remains unchanged.

61. In the Democratic People's Republic of Korea, no child is found without nationality by the thorough implementation of the Law on Nationality. If there should be a child whose parents or relations are not know at all, the population administration organ would give it a name, register it and bring it up on its own responsibility.

B. Preservation of identity (art. 8)

62. The Democratic People's Republic of Korea respects the right of a child to preserve its identity, including nationality, name and family relation.

63. The Democratic People's Republic of Korea does not have any criminal or civil penalty of depriving one of or altering the whole or part of one's

identity, including nationality, name and family relation. The name of a child who is 14 or more years old may be changed only if the child agrees, just like his or her nationality.

64. Even when parents have committed a crime and assume criminal responsibility, their children are not forced to give up or alter their relation with their parents.

65. The Japanese imperialists, when they were occupying Korea, pursued the policy of so-called "changing names" to deprive Korean people of both their family and given names and force Japanese names on them. This was one of the most vicious anti-human colonial policies of the Japanese imperialists, geared to national assimilation. After liberation, the Government let the people restore their names downtrodden by the Japanese imperialists, and protected them.

66. The Democratic People's Republic of Korea Government does not permit any encroachment upon the intrinsic identity of the nation and its descendants.

C. Freedom of expression (art. 13)

67. The Socialist Constitution of the Democratic People's Republic of Korea defines freedom of expression as one of the fundamental rights of citizens. The right to freedom of speech and of the press stipulated in article 67 belongs to all citizens irrespective of age. Children are entitled to express their ideas, views and feelings freely by verbal and written language or other means just as adults do.

68. Especially by the right to submit complaints and petitions granted in article 69 of the Socialist Constitution, children may freely appeal against the Government, public organizations and other authoritative or service organs and petition for the resolution of their justifiable requirements. Complaints and petitions may be submitted by children to population administration or legal organs either in the form of oral or written messages or by proxy. The organ that has received complaints and petitions reviews them in good time and informs the person concerned of the result. Deliberately ignoring or dealing wrongly with a petition or a complaint is subject to a criminal punishment under article 127 of the Criminal Law.

69. The Government of the Democratic People's Republic of Korea has paid great attention to creating social conditions to enable children to express their ideas freely while laying the legal structure for ensuring freedom of expression. The basic medium through which children exercise the right to freedom of expression in practice is the activities of the Socialist Working Youth League of Korea or the Children's Corps. The Socialist Working Youth League of Korea or the Children's Corps activities are the channel through which children actively express and carry out their will, based upon democratic principles. Therefore the Government actively supports and protects the democratic activities of the Socialist Working Youth League of Korea or the Children's Corps organizations. This constitutes the major government measure to create and ensure the social conditions for children's freedom of expression.

70. Freedom of expression is assured to children regardless of frontiers in the Democratic People's Republic of Korea. Children may make public or impart their ideas to other countries or international organizations orally, in message, in print or in other form. This right is guaranteed by article 78 of the Constitution, defining privacy of correspondence and the regulations on international mail.

71. Freedom of expression is subject to no restriction unless it undermines the rights or reputations of others, or infringes on national security, public order or public morals.

D. Access to appropriate information (art. 17)

72. The Government of the Democratic People's Republic of Korea pays attention to ensuring that children have access to information from various sources, aimed at the promotion of their mental, spiritual and moral well-being and physical health.

73. The mass media have special programmes for children. Radio broadcasts have set times for children each morning and evening. Television broadcasts have times for children, too. At such times, the broadcasts are devoted to an enjoyable collection of varied information suited to the child's psychological peculiarities and interest.

74. Publishing and broadcasting for children have long been regularized and the production and dissemination of children's books occupy a priority position in the publishing business. What is important in publishing and broadcasting for children are newspapers and magazines. The newspaper Rodong Chongnyon (Working Youth) carries a lot of information attracting senior middle-school pupils. It is issued 6 times a week and its total circulation is 800,000. There are such periodicals for children as Flower Buds, Sonyon Sinmoon (children's newspaper), Saenal (new day), Saesedae (new generation), etc.

75. The Kumsong Youth Publishing House and the Educational Books Publishing House concentrate on publishing children's books. Tens of thousands of copies of 400-odd books are produced each year for youth and children. Children's books are available at bookshops in every province (or municipality directly under central authority), city (or district) and county and are sent to school libraries and district or county children's libraries for perusal or loan.

76. The Government encourages the dissemination of foreign publications and basic scientific materials among children. In recent years alone, tens of thousands of copies of children's books, including selected works of world literature and world juvenile literature, works of writers and poets of different countries of the world, comic books, juvenile story books, picture books, etc. have been published through the measures taken by the Government. Under article 50 of the Socialist Constitution, the Government concludes agreements, protocols, contracts, etc. with foreign Governments or scientific research organs for the active exchange of science and technology and distributes to schools without delay newly acquired scientific and technical materials if they are helpful to children's education.

77. The Democratic People's Republic of Korea does not have the language problem of children belonging to a minority group as there are no racial minorities in its territory.

78. The Government of the Democratic People's Republic of Korea guards against elements that may hamper the sound spiritual and moral development of the child in its dissemination of information.

E. Freedom of thought, conscience and religion (art. 14)

79. The Government of the Democratic People's Republic of Korea respects the rights of the child to freedom of thought, conscience and religion. This is put into practice by ensuring freedom of speech and religious beliefs defined in the Socialist Constitution. Nobody is called to account, politically or legally, for his or her thoughts, conscience or religion.

80. The Government does not interfere in, but protects, any action of parents or legal guardians to educate the children under their care spiritually and morally or to inspire their religious devotion. In view of the demand for religious knowledge, experts in religion are educated in the Pyongyang School of Theology run by the Korean Christians Federation and the Department of Religion of the Kim Il Sung University.

F. Freedom of association and of peaceful assembly (art. 15)

81. Article 67 of the Socialist Constitution guarantees freedom of assembly demonstration and association, stipulating that the State shall ensure conditions for the free activity of democratic political parties and social organizations.

82. The legal public organizations of the child are the Socialist Working Youth League of Korea (for senior middle-school pupils) and the Children's Corps (for the pupils between the second year of primary school and the second or third year of senior middle school). In addition, as organizations for extracurricular activities for schoolchildren, there are science, art, sports and other circles in each city (or district) and county (see paras. 178-184). There are no regulations that impose any legal restrictions on the activities of the circles. The Socialist Working Youth League of Korea and the Children's Corps organize various assemblies and demonstrations. These are inspired by warm enthusiasm and the progressive spirit of valuing justice and truth and aspiring for a brighter future for mankind.

G. Protection of privacy (art. 16)

83. The Socialist Constitution defines protection of the family by the State in article 77 and inviolability of the person and the home and privacy of correspondence in article 78. Article 74, paragraph 3, of the Constitution states that copyright and patent rights shall be protected by law. Article 98 of the Criminal Law sets punishments for deliberately making a wrong assessment of or ignoring writing, inventions, technical innovations and works of art and literature out of greed, jealousy or other false motives or publishing another person's work under his or her own name, and article 152 punishes a person who insults another or who damages his or her honour.

84. It is a legal requirement to follow strictly the procedures and methods of law in case interference in a person's private life is unavoidable. The Criminal Procedures Act states that a search may be conducted only when sufficient grounds exist for suspicion that the offender is hidden or that there are articles or documents necessary for the clarification of an offence (art. 130); even when such grounds exist, search and seizure must be conducted with the public prosecutor's approval except in flagrante delicto (art. 131); for a search and confiscation, a warrant approved by the public prosecutor must be presented to the person subject to the search or to the person whose goods are subject to seizure (art. 132); search and seizure should be conducted during the daytime, except in an emergency (art. 134), should be attended by two observers and the search of a woman should be attended by women (art. 135); in cases where a personal secret that has nothing to do with the criminal case becomes known in the process of a search, it must not be revealed to the public (art. 137); and when there is the danger that a national or personal secret will be revealed, a trial may be closed to the public totally or partially (art. 16), etc.

85. Children, when their privacy has been infringed, may appeal to the population administration organ, public security organ or judicial and procuratorial organ concerned for the recovery of their rights. These organs then investigate the case in a responsible way and, if the appeal proves to be well-grounded, resolve it to the full.

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

86. Article 23 of the Criminal Law states that the death penalty may not be imposed on those who were under 18 years of age when they committed the offence, nor may it be executed against pregnant women. However, no such cases have occurred in the Democratic People's Republic of Korea.

87. Article 11, paragraph 1, of the Criminal Law states that punishment shall be imposed only on offenders who are over 14 years of age when they commit an offence and, in paragraph 2, that for offenders between the ages of 14 and 16 social education measures may be adopted at the stage of indictment or trial. By this special penal measure concerning juvenile crimes, juvenile offenders, who are seldom found, are usually admonished by public security organs and reformed through education under the responsibility of their parents and school, instead of being dealt with through criminal procedures. Therefore the institutions for reform through labour do not have juvenile inmates.

88. Articles 4 and 6 of the Criminal Procedures Act demand full guarantees for human rights, accuracy, objectivity and prudence in dealing with and disposing of a criminal case. These principles are enforced more strictly when the object of a case is a child.

89. Disciplinary punishment and penalties are strictly prohibited by policy as education methods at the institutions for educating and rearing children. The Government of the Democratic People's Republic of Korea emphasizes explanation, persuasion and influence by positive examples in the education of children.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

90. The Government has taken various legal measures to respect and enhance the right to direct guidance and the leading role of parents and legitimate guardians over their sons, daughters and children under their protection.

91. Articles 20 and 21 of the Civil Law provide that a person under the age of 16 shall exercise civil legal actions through his or her parents or guardian and that a person at the age of 16 should get the approval of his or her parents or guardian if he or she is going to exercise a civil legal action beyond the range of his or her income. Article 27 of the Family Law defines education of children as an important duty of parents, and article 39 of the Law on Educating and Rearing Children requires crèche and kindergarten teachers to devote all of their enthusiasm to the education and rearing of children with a high sense of honour and pride in their work. These legal measures contribute remarkably to enhancing the leading role of parents and legitimate guardians in the realization of the rights of the child.

92. Some parents, however, are found to be careless about the education of their children, leaving it entirely to State institutions such as the school, kindergarten or crèche. In this connection, social measures are being taken to elevate the responsibility and role of parents.

93. The Government sees to it that profound theoretical analyses of the position and role of parents in child education and the realization of the rights of the child and the collection of positive examples in child education are issued and disseminated. Television and radio also broadcast such programmes regularly. This work of enlightenment greatly helps to enhance the responsibility and role of parents in child education and the realization of the rights of the child.

B. Parental responsibilities (art. 18, paras. 1 and 2)

94. Article 28 of the Family Law provides that parents shall take responsibility for and take normal care of their children's health and physical development and article 136 of the Criminal Law states that punishment is imposed on a person who, in duty bound to protect children, causes grave consequences by deliberately failing to do so. These legal provisions serve as a way to encourage the responsibility and role of parents and legal guardians in the protection and rearing of children.

95. The Democratic People's Republic of Korea does not lay the responsibility of bringing up children on one parent only. It is a generally accepted social consciousness that both parents should assume the responsibility together.

96. Article 2 of the Law on Educating and Rearing Children stipulates that all children shall be brought up at crèches and kindergartens at State and public expense. To bring children up under public care is an important State policy. This does not mean that the State disregards the responsibility and

role of parents and legal guardians in bringing up children. They assume the primary responsibility as they are related by blood or law with their children.

97. In the Democratic People's Republic of Korea, the State supplies mothers with the conditions necessary for educating and bringing children up (Family Law, art. 6).

C. Separation from parents (art. 9)

98. Article 25 of the Family Law states that children are related by blood with their parents and the relations between the children born outside marriage and their parents are no different from the relations between the children born in marriage and their parents. By this provision, children are entitled to enjoy the love and care of their parents living together with them. Children are never separated from their parents except when their parents are either committed to a reform institution or in quarantine due to infectious, mental or other diseases.

99. According to article 22 of the Family Law, the one to take care of children after divorce is decided by agreement of the parents in the interests of the children and, if no agreement is reached, the court takes the decision. If there is no special reason to the contrary, by law a child under three years of age is put under the care of its mother.

100. Article 13 of the Criminal Procedures Act states that, in cases where there is solid ground for believing that an offender can be reformed through social education, he or she may be committed to social education instead of being punished. This is applied to a mother, too, when she has committed a crime. When parents, especially the mother of a family, have committed a crime and the children are going to be helpless, compensation, fine or other administrative disciplines and social education are applied instead of punishment for the maintenance of the family, except some specific cases.

101. In case a woman with a baby has committed a crime, she is not detained, but in some unavoidable cases confined in her house or a definite area in accordance with articles 109 and 110 of the above Act in order to maintain her family.

D. Family reunification (art. 10)

102. Article 62, paragraph 2, of the Socialist Constitution states that a citizen is under the protection of the Democratic People's Republic of Korea regardless of domicile, and article 16 guarantees the legal rights and interests of foreigners in the region. These provisions meet the requirements of children and parents who want to come from or go abroad for family reunification.

103. A number of children of Korean residents in Japan are in the Republic for their education. The Government ensures the possibility of their leaving the country to see their parents and the entry of their parents, as required.

E. Recovery of child support (art. 27, para. 4)

104. Article 23 of the Family Law stipulates that the parent who maintains the children may ask the one who does not for child support until they reach working age, and that the expense is decided by the court within the range of 10 to 30 per cent of the monthly income of the parent who does not maintain them, depending on the number of children.

105. By article 24 of the Family Law, the person who does not personally maintain the children but is responsible for child support may ask the court to relieve him or her of the responsibility when he or she has lost the ability to work or the person who used to maintain the children marries. The court deals with the claim fairly.

106. The above-mentioned provisions are effective even when the person who does not personally maintain the children but is responsible for child support is in a foreign country. Until now, such a case has not arisen.

F. Children deprived of a family environment (art. 20)

107. The Law on Educating and Rearing Children states in article 18 that children who cannot be cared for by their parents shall be brought up at a baby farm and an orphanage; the Family Law stipulates in article 35, paragraph 1, that grandparents, too, should maintain their grandchildren who are without parents. In article 36, paragraph 2, it is stated that those who have the ability to do so should care for their brothers and sisters who are helpless; and in article 37, paragraph 2, that, if a family has nobody who is capable of maintaining the children, the latter are supported by the parents, grandparents, brothers or sisters living apart.

108. As of the end of 1994, there were no orphans wandering around as beggars in the Republic.

G. Adoption (art. 21)

109. Article 30 of the Family Law stipulates that a citizen may adopt minor children of others but this shall not be permitted if the citizen has been deprived of the right to vote or has a disease that is harmful to the health of children or has no ability to educate and bring up adopted children.

110. Under article 32 of the Family Law, adoption is recognized if it is registered in the identity registration organ following the application of the would-be adoptive parents and the consent of the population administration organ, and article 33 stipulates that the relationship between adoptive parents and adopted children is not different from that between natural parents and children.

111. According to article 34 of the Family Law, adoption is annulled by the registration in the identity registration organ following the agreement of the adoptive parents and their adopted children, or of the adoptive parents and the natural parents or guardians of the adopted children and the consent of the population administration organ concerned. If no agreement is reached on the annulment of adoption, the court takes the decision.

112. The Democratic People's Republic of Korea does not have a legal provision prohibiting the adoption of children in a foreign country, but there have been no reports of a child of the Democratic People's Republic of Korea who has gone aborad to be adopted by a foreigner.

H. Illicit transfer and non-return (art. 11)

113. Article 150 of the Criminal Law imposes penal punishment upon a person who steals or conceals a child in pursuit of selfish aims or from the motive of revenge. Such actions as the illicit transfer of a child abroad is regarded as a most serious case. There has been no report of such a case in the Democratic People's Republic of Korea where a person is most valued and children are "kings of the country". Instead, people are willing to bring up more children on their own responsibility.

I. Maltreatment and neglect (art. 19), physical and psychological recovery and social reintegration (art. 39)

114. Article 137 of the Criminal Law punishes a person who damages the health of a person who is under his or her protection, or who causes a person to commit suicide because of maltreatment; and article 136 punishes a person who, in duty bound to protect children, causes grave consequences by deliberately not doing so. Moreover, the Criminal Law imposes punishment on a person working at a nursery or kindergarten who causes a child under his or her care to be seriously injured or to die as a result of his or her neglect in article 99; a person who commits violence by such means as beating in article 149; and on a man who has sexual intercourse with a girl under the age of 15 in article 153.

115. Article 41 of the Criminal Law states that a person who has been granted a special or a general pardon and a person who has served his or her full time is regarded as guiltless from the day of the granting of the special or general pardon or from the day on which he or she completes the term and is not discriminated against under the law. As there have been no child inmates in a reform institution in the Democratic People's Republic of Korea, the question of social rehabilitation of a child released from a reform institution has not arisen.

J. Periodic review of placement (art. 25)

116. The Law on Educating and Rearing Children stipulates in article 47, paragraph 2, that crèches and kindergartens shall be directed by both the central administration education and public health organs and the local power organs; in article 48 that the central administration education and public health organs shall administer all aspects of educating and rearing children; and in article 49 that the local power organs shall direct the work of crèches and kindergartens in the areas under their jurisdiction.

117. By article 45 of the Family Law, the fulfilment of a guardian's duty is supervised by population administration organs. Direction and supervision in accordance with these provisions are centred on the education, rearing and protection of children.

118. The local power organs regularly direct and monitor the upbringing and education of and the extension of rights to children at schools of all levels, crèches, kindergartens, baby farms and orphanages. They do the same for the clinics, welfare service establishments and commodity supply organs that are attached to schools. Baby farms, orphanages, children's wards and children's sanatoriums are similarly administered by the local power organs.

119. Monitoring the extension of rights to children constitutes a major part of the work of the public procurators' offices at all levels.

VII. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

120. The Socialist Constitution states in article 56 that the State shall protect people's lives and improve the working people's health by consolidating and developing universal free medical care, improving the district-doctor system and implementing the policy of preventive medicine; and in article 76 that the State shall afford special protection to mothers and children. These constitutional requirements take concrete shape in the Public Health Law, the Law on Educating and Rearing Children, etc.

121. The important measure for child survival and development is the universal free medical-care system. It was introduced in January 1953, when the country was in the thick of the Korean war and was developed by the measure taken in February 1960. Article 9 of the Public Health Law elaborates the content of the complete and universal free medical service given by the State as follows:

> "1. All medicines provided by the medical establishment to patients, including outpatients, are free.
>
> "2. All services such as diagnoses, experiments, tests, treatment, operations, sick calls, treatment and meals while in hospital are free of charge.
>
> "3. Medical services for the working people's recuperation are free and the travel expenses to and from the places of recuperation are borne by the State and cooperative organizations.
>
> "4. Assistance in delivery is free.
>
> "5. Health check-ups, health consultations, preventive vaccinations and other prophylactic medical services are free."

This provision of the Public Health Law is applied to all citizens, including children, and ensures children the fundamental right to survival and development.

122. Article 10 of the Public Health Law provides that the State should direct deep concern and care to the protection of the health of women and children and that the State should give special benefits to a woman who bears more than one child at once and to her children and assumes the whole responsibility for

rearing children who have no one to take care of them. By this provision, special concern and care is directed to the protection of the health of women and children in the Democratic People's Republic of Korea.

123. The Law on Educating and Rearing Children has the following provisions regarding child survival and development:

(a) The State shall grant all sorts of benefits to all children so that they may grow up happily wanting for nothing and enjoying existing excellent modern facilities for their education and upbringing (art. 7);

(b) The State and public cooperative organizations shall ensure all the things needed for educating and bringing up children under their own responsibility, in accordance with the principle of "The best for children" (art. 12);

(c) The State shall afford special protection to women with children, grant maternity leave before and after childbirth, supply salary, provisions and a share of distribution at the expense of the State and the public cooperative organizations during the leave, enrol all pregnant women in time in maternity hospitals or other medical establishments, offer systematic medical service and assistance at childbirth free of charge and protect the health of women after childbirth, give pregnant women easy jobs suited to them and reduce the working hours of mothers of children allowing them full pay (art. 20);

(d) The State shall provide crèche and kindergarten children with systematic medical service free of charge in accordance with the universal free medical-care system, allocate medical workers and supply medical equipment and medicine to each crèche and kindergarten and offer timely preventive treatment to children through special medical establishments (art. 25). In addition, the Law on Educating and Rearing Children describes the details of supplying children with provisions, foodstuffs and hygienic living environments to bring them up in a cultural and scientific way.

124. The guarantee of survival and development for children as required by the Socialist Constitution, the Public Health Law and the Law on Educating and Rearing Children is one of the major tasks of the public health establishment.

125. The Ministry of Public Health, under the Administration Council and the departments concerned of the administrative and economic committee of the province, city or county, plan the work for child survival and development and administer the work of the child education and rearing organs and the preventive and curative medical-care establishments in the areas under their jurisdiction.

126. The Research Institute of Nutritional Care for Children, under the Academy of Medical Science, contributes to the scientific orientation of child feeding and the Research Section of Child Hygiene, which is a department of the Research Institute of Hygiene, to the provision of a hygienic environment to children.

127. One of the important preconditions for the guarantee of child survival and development is to protect the health of women, especially those who are pregnant or in the post-partum period. In view of this, the Government set up a well-arranged nation-wide network of medical services for mothers embodying the requirements of article 76, paragraph 3, of the Socialist Constitution, article 10 of the Public Health Law, article 20 of the Law on Educating and Rearing Children, etc.

128. Comprehensive maternity hospitals are located in large cities and obstetrical and gynaecological departments in the hospitals of the province, city, (or district) county or of factories and enterprises that have many women, to protect the health of pregnant women and provide for assisted childbirth in hospital. Rural village hospitals and combined clinics have midwives to take care of pregnant women and offer assistance in childbirth. The year 1992 witnessed a fourfold increase in the number of maternity hospitals; a 12.5-fold increase in the number of beds over 1970; and a 23-fold increase in the number of midwives over 1949. The Administration Council issued directive No. 26 in November 1992 to develop the obstetrical and gynaecological departments of city or county people's hospitals and the delivery rooms of ri (village) people's hospitals. All pregnant women have easy access to maternity and other hospitals and to the services of specially qualified doctors and midwives for delivery.

129. According to article 20 of the Law on Educating and Rearing Children, women are granted 150 days' paid maternity leave, and women with 3 children or more work for 6 hours, while getting paid for 8 hours.

130. Special State benefits are in store for the women who have multiple births and for their children. The paid maternity leave after birth is lengthened when a woman bears more than two children at once. Triplets are supplied by the State free of charge with clothing, bedding, a 1-year supply of dairy products and a preschool subsidy, and special medical workers take charge of such mothers and children and care for their health responsibly.

131. To guarantee child survival and development, it is of great importance to carry out preventive medicine. The Government has set up hospitals, clinics and public health centres in all provinces, cities, countries, dongs and ris as well as at the central level and assigned qualified doctors and experts to them. Thus no dong or ri is without a hospital and doctors in the Democratic People's Republic of Korea. The Government carries out an all-round examination of the health of all the population, including children and mothers, every spring and autumn through the medical establishments of the whole country, and regularizes vaccination in schools, kindergartens, crêches and all segments of the population.

132. Especially by the district doctor system in force, medical workers are in charge of some districts to monitor the health of the inhabitants, including children and mothers, and take measures for the prevention and cure of diseases.

133. The State system of educating and rearing children occupies a significant place in ensuring child survival and development. Every child is provided with the possibility of being brought up at a crèche and a kindergarten after

birth, irrespective of sex, residence or the profession of its parents. Crèches look after children from birth to 4 years of age and kindergartens from 4 to 6 years of age in a scientific and cultural way at State and public expense.

134. Children with no mother or unable to benefit from maternal care are nursed at a baby farm (equal to a crèche) and an orphanage (equal to a kindergarten) at State and public expense. Crèches and kindergartens take care of children in a hygienic way, supplying them with a sanitary living environment, indoor temperature and humidity control in accordance with the Law on Educating and Rearing Children. They regularly offer physical training to children with fresh air, sunshine, water, medical facilities and gymnastic apparatus suited to their age and constitution.

135. The health of children is incomparably better now as a result of the positive measure for child survival and development, the increase in the level of people's economic and cultural life, the improvement in food supply and nourishment, the popularization of sports activities and the development of medical service in accordance with the State's line of preventive medicine. The mortality per 1,000 children decreased from 204 in 1944 to 9.2 in 1991, which is one twenty-second of the former.

B. Disabled children (art. 23)

136. As has been mentioned in paragraph 40 (e), above there is no legal discrimination against disabled children in the Democratic People's Republic of Korea. With the complete implementation of the prophylactic system, the number of children with physical or mental disabilities is very small.

137. Whole-hearted assistance for disabled children is encouraged all over the country as a noble social virtue. The State pays special attention to ensuring disabled children every possible medical service and educational opportunity, all free of charge.

138. Disabled children of preschool age are usually enrolled and treated at the hospitals in their areas and seriously disabled children are admitted in a special hospital, together with a parent, for treatment. Medical workers devote themselves to the treatment of patients. This is one of the major requirements of the "Devotion Movement" among medical workers.

139. Disabled children of school age are offered every convenience so that they may continue to get medical service while learning at school. As separate schools for disabled children, there are three schools for the blind and nine schools for the deaf and dumb. These schools enrol more than 1,800 blind or deaf and dumb children over 9 years of age for elementary and secondary general education and training in a technical skill suited to their physical characteristics. These schools have dormitories, dining halls, medical offices and public service facilities, and boarding children get allowances from the State.

140. Teachers and pupils displays the virtue of devotedly helping the victims of infantile paralysis or other physical disability to go to school. Pupils regard it as their natural duty to help the disabled in school attendance and

study if there is such a child in their school or class, and teachers afford him or her additional individual teaching through regular family visits and extracurricular guidance. As of the end of June 1993, over 400 crippled and 200 blind children were being treated at special hospitals.

C. Health and health services (art. 24)

141. The Law on Educating and Rearing Children provides in article 25 that crèche and kindergarten children shall be supplied with systematic medical services; in article 26 that every crèche should have a children's ward in it for the children whose sickness is not so serious as to be treated in hospital; in article 27 that children's sanatoriums shall be built in scenic spots, spas and seashores for the improvement of child health; in article 28 that State organs and the child education establishments should look into the health and physical growth, take due measures, scientificate and incessantly develop child education; etc. Article 10 of the Public Health Law states that the State should display deep concern and care for the protection of the health of children. These provisions guarantee the protection and promotion of children's health as well as prevention and treatment of diseases.

142. A close network of medical services for children covers the whole country, protecting and promoting their health. Each provincial seat has a children's hospital and the people's hospitals of the city (or district), county or ri and the polyclinics of the dong have a paediatric department.

143. Each crèche, kindergarten, elementary or senior middle school has a clinic and doctors to look after the health of pupils. In 1992, the number of children's hospitals increased up to three-fold and that of beds in them 2.7 times over 1970. At the moment a modern central children's hospital with 1,000 beds is under construction in Pyongyang.

144. In the Democratic People's Republic of Korea, preventive inoculation is conducted for children on a regular basis every year. Inoculation of children in 1994 compared with 1991 is as follows:

DISEASE	1991	1994
	(in percentages)	
Pertussis, diphtheria	97	96.3
Measles	99	99.7
Infantile spinal paralysis	99.5	99
Tuberculosis	99.6	100
Tetanus	100	99.5

145. The Government is specially watchful against infection in the children's living environment. It maintains the principle of constructing crèches,

kindergartens and other establishments for children, schools, children's parks, recreation sites and playgrounds at the best places, which are kept safe from environmental pollution.

146. Under articles 54 to 56 of the Law on Educating and Rearing Children, each city (or district) and county has a children's foodstuff processing factory or workshop. The service organs supply crèches and kindergartens, on a regular basis, with milk, eggs, fruit, candy, oil, etc. in conformity with children's nutritional standards.

147. Article 41 of the Law on Educating and Rearing Children states that those working in children's educational establishments including crèches and kindergartens should not have any disease that might affect the health of children. This principled requirement is applied to the workers who produce or handle children's food. The Government periodically conducts examinations of the health of teachers and other educational or service workers, and enhances the role of public health inspection organs to prevent diseases.

148. All of the urban or rural residential houses, crèches, kindergartens, schools, etc. are equipped with water service facilities and only drinking water above the standard fixed by the Ministry of Public Health may be supplied.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

149. The Democratic People's Republic of Korea broadly introduces the social policies of protecting and taking care of children under the principle of "The best for children". The complete and universal free medical system, the universal compulsory free education system and various other policies of the State, inter alia, fully guarantee the indispensable conditions for children's growth and development. Therefore, children are not a financial or economic burden upon a family. In other words, a family with many children gets so much more benefit from the State.

150. By the Law on Educating and Rearing Children, crèches and kindergartens are built with a capacity of 300 and 200 per 1,000 households in urban residential areas and with each work team (or village) of a cooperative farm as a unit in rural areas. A crèche or a kindergarten should be built in a place with the following sanitary conditions: (a) sunny, airy, well-drained, (b) not polluted by smoke, gas, dust or noise and (c) not too close to a reservoir, river, factory, enterprise or cattleshed.

151. Crèches and kindergartens are arranged and run in favour of children's education and participation of women in public work. Such places as textile mills, where many women work, have a crèche and a kindergarten belonging to the factory. The women of an organ or enterprise with few women employees leave their babies to the care of the crèche in the district where they work and the children of more than 2 years of age to the care of the crèche in their residential district. This is a measure to enable women to work, leaving their children behind. Crèches are basically in the form of day crèches, but there are weekly and monthly crèches as well. A weekly crèche is

where children board from Monday to Saturday and a monthly crèche is the same with a stay of one month. These forms of crèche are usually used by woman cadres, actresses, correspondents, teachers or scientists.

E. Standard of living (art. 27. paras. 1-3)

152. In the Democratic People's Republic of Korea, all people are evenly well-off with no worry about food, clothing and housing. There is nobody who is extraordinarily rich or poor, no unemployed workers, beggars and tramps in search of food. This is the result of the popular policy that the State takes care of people's life under its own responsibility.

153. As stipulated in article 15 of the Law on Educating and Rearing Children, children are supplied with provisions from the day of their birth at so cheap a price as to be nearly free. Malnutrition does not exist among children in the Democratic People's Republic of Korea.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

1. Right to education

154. The Socialist Constitution provides in article 45 that the State shall develop universal compulsory 11-year education, which includes a compulsory 1-year preschool education at a high level in accordance with the trend of modern science and technology and the practical requirements of Socialist construction; in article 47 that the State shall provide education to all pupils and students free of charge and grant allowances to students of universities and colleges; in article 49 that the State shall maintain all children of preschool age in crèches and kindergartens at State and public expense.

155. The right to education provided for in the Constitution has long been guaranteed fully by law and government policies. The constitutional requirement for free education was extensively realized many years ago by Cabinet decision No. 18 on the general abolition of school tuition fees of, March 1959. The right of preschool children to education is ensured by the provisions of article 45 of the Socialist Constitution and the Law on Educating and Rearing Children of April 1976.

2. Compulsory education

156. The Government enforced compulsory school education stage by stage under the principle of educating every member of the population. The universal compulsory primary education system (four years) was introduced in 1956, the universal compulsory secondary education (seven years) in 1958 and the universal compulsory nine-year technical education in 1967. All these developed into the universal compulsory 11-year education, comprising 1-year preschool compulsory education and 10-year compulsory senior middle-school education from 1973, which was completely instituted in 1975.

157. The universal compulsory 11-year education currently in force is a compulsory free education that gives a complete general secondary education to children between 5 and 16 years of age. This period consists of a one-year kindergarten class, four years of primary school and six years of senior middle school.

158. As of 1994, the number of kindergartens providing compulsory education was 13,722, that of primary schools 4,956 and that of senior middle schools 4,809; the enrolment rate of school-aged children at primary and senior middle schools was 100 per cent.

159. The Government sets up branch schools for the children of remote mountain areas and solitary islands where conditions are unfavourable for school attendance. One of them is in a lighthouse island where there are only five children. The power organs of the area concerned supply teachers, teaching facilities and school materials to these branch schools without exception. School buses and trains help school attendance in remote mountain areas.

160. In order to enforce more satisfactorily the universal compulsory 11-year education, the Government stresses the re-education of teachers and the equipment of schools with up-to-date facilities.

3. Free education

161. Proceeding from the stand of assuming the entire responsibility for educating people, the Government has systematically broadened the scope and objects of free education. Just after the liberation of the country from Japanese colonial rule, the Government took the measures of exempting children from poor families or with no parents from paying tuition and of supplying textbooks and daily necessities free of charge.

162. The efforts to enforce universal compulsory primary education and universal compulsory secondary education free of charge began before the war in the Republic. The Government took the epochal measure of abolishing tuition fees at primary and junior middle schools in 1958. Following this success, tuition fees were extensively abolished at all educational establishments in 1959 and education was provided at State expense.

163. In the Democratic People's Republic of Korea, not only all the regular education from crèche and kindergarten to university but also various forms of social education is free. Children use the students' and children's places (or halls), libraries, camps, etc. free of charge. The State bears 50 to 60 per cent of the expense of textbooks supplied to all pupils. In particular, for children with no parents or no person to support them, the State supplies food and clothing as well as textbooks, school materials and daily necessities free of charge during the period of compulsory education. For children whose parents are too old or are unable to work because of illness, too, the State provides all textbooks and school materials free of charge.

164. The Government has systematically increased the State's investment in education for the better realization of compulsory free education. The educational expenditure of the 1992 State budget was 110.8 per cent as against 1991. The fund for social culture, including education,

was 103.5 per cent in 1991 as compared with 1990, 111.6 per cent in 1992 as compared with 1991, 103.5 per cent in 1993 as compared with 1992 and 102 per cent in 1994 as compared with the previous year.

4. Technical education

165. Article 44 of the Socialist Constitution provides for a close combination of general education with technological education, and education with productive labour. Under this system, schools at all levels give technological education to pupils on the basis of a full general education, instead of vocational training of narrow scope.

166. At the stage of compulsory education, technical education is given at senior middle schools. Senior middle schools teach basic technological knowledge such as the basic principles of production and technology, electricity and machinery, based on the general secondary education. The typical subjects are the basis of electronic engineering, electives (automobile, tractor, machine tools, communication, forestry), etc.

167. The secondary technical education for senior middle-school graduates is given at specialized schools. The courses last 2.5 to 3 years and graduates are technicians and experts of the secondary grade.

5. International cooperation

168. The Government of the Democratic People's Republic of Korea pays great attention to international cooperation for the development of children's education. A variety of exchanges and cooperation are proceeding with many countries in the field of education and culture, one example being the First Conference of Educational and Cultural Ministers of Non-Aligned and Developing Countries held in Pyongyang in September 1983.

169. The Government attaches great importance to its relations with international organizations such as the United Nations Educational Scientific and Cultural Organization (UNESCO) and UNICEF. The Democratic People's Republic of Korea hosted the Sixth Semi-Regional Symposium for the Elimination of Illiteracy and Continuing Education for Workers between 26 August and 10 September 1991. And from 16 to 24 September of the same year, the UNICEF Consultative Meeting on Early Education and Child Development was held in Pyongyang.

170. UNICEF decided to offer the Democratic People's Republic of Korea assistance in the amount of $8.6 million in three tranches from the year 1986, of which $4.4 million has already been realized.

B. Aims of education (art. 29)

171. The Democratic People's Republic of Korea has defined the basic aim of education as being to raise all children to be strong, independent and creative people and real masters of the country and society, with the major task being to raise the level of education in terms of knowledge, morality and physical culture.

1. Harmonious mental and physical development

172. The Government is greatly interested in ensuring that the curriculum for each level of schools is pedagogically in line with the level of mental and physical development of children and with modern requirements. The Academy of Peadagogical Science conducts systematic research in the pedagogical and practical determination of curricula. The central administration organ for education improves curricula based on the success of the forward-looking and planned research of the Academy.

173. Children develop their personality and talent to the full, enjoying general secondary education irrespective of their family origin, regional background, sex, social and economic status. Teachers consider it their natural duty to discover in time personal characteristics, mental and physical aptitudes and a germ of talent, offering suitable education and devoting much effort to it.

174. The Democratic People's Republic of Korea has a separate education system to enhance the originality, outstanding aptitude and talent of children. There are schools for mentally gifted children and schools for those outstanding in art or sports in the capital and in the provinces, where special education gives full scope to their talents. This education system falls under the compulsory education system and is also completely free of charge. Children of remarkable aptitude and talent may choose their education system according to their personality and wishes.

2. Cultivation of noble personality and moral character

175. It is one of the major points of education to cultivate a noble personality and moral quality in the child, along with harmonious mental and physical development. All educational institutions and teachers share the common task of imbuing children with the spirit of respecting their parents and seniors, of loving their brothers, sisters and comrades and of feeling attached to their birthplace, village, nation, motherland and the Socialist system that is centred on the masses of the people.

176. In the Democratic People's Republic of Korea, children are educated not only to hold their own national culture, traditions and language dear, but also to respect the culture, language and history of other peoples. Much attention is directed to educating children in a feeling of friendship, solidarity, peace and fraternity towards other peoples of the world and respect for human rights.

177. Children's education is devoted to giving free scope to their spirit of self-reliance, self-awareness, personality and creativeness, and this is carried out by means of explanation, persuasion and the influence of positive examples. Teachers love pupils as their own children and respect their personality. School education, family education and social education, which are closely linked, are cooperative effort.

C. Leisure, recreation and cultural activities (art. 31)

1. Legal and administrative measures

178. The Socialist Constitution states in article 52 that the State shall enlist the working masses widely in literary and artistic activity; in article 53 that the State shall provide sufficient modern cultural facilities to meet the demands of the people who want continually to improve themselves, both mentally and physically, so that the working people may enjoy a Socialist cultured, aesthetic life to their hearts' content; in article 55 that the State shall popularize physical culture and sport, making it a daily regime; in article 71 that citizens have the right to relaxation; and in article 74 that citizens are free to engage in scientific, literary and artistic pursuits.

179. The Government has tried to ensure the constitutional right of children to relaxation, literature, art and sports activities. The Administration Council adopted its decision No. 45 on 7 March 1992 to popularize sports activities among the pupils of primary and senior middle schools and took measures to promote the activities of literature, art and sports circles at students and children's palaces.

2. Leisure, literary, art and sports activities

180. To help children's relaxation, literary, art and sports activities, the Government has built students' and children's palaces, camps, gymnasiums, fun fairs, children's parks and children's libraries at scenic spots and places with good conditions. There are 40-odd students' and children's palaces all over the country, which are comprehensive bases of children's extracurricular education. The Mangyongdae Students' and Children's Palace, newly built in Pyongyang, in 1989, has room for various circles of science, art and sports, an indoor stadium an indoor swimming pool, etc. Children come here after school to participate in art or sports activities according to their taste and aptitude. The Government plans to build a hall of the same sort in each city or county. Camps are run by seasons and the annual number of children attending camps is over 112,000. In April 1992, an international camp of the Children's Corps was set up in Wonsan, a coastal city.

181. Each school has various sports and art circles, and children join them according to their taste and aptitude. Children's athletic meetings take place every spring and autumn and two or three days a week are set aside for extracurricular sports activities at primary and middle schools. Various sports matches and art contests are organized every year at the county, municipal, provincial or national levels.

182. Aimed at encouraging art and sports activities among children, a variety of national competitions are organized every year. These are held with county, city and provincial preliminaries, followed by finals. Some examples are as follows: sports games for the "September 5 Prize"; national children's art festival; national children's vocal, instrumental and dance solo contest; national children's exhibition of literary works and models based on scientific imagination; and kindergarten children's art festival.

183. The "My Classroom" Literature Prize is conferred for literary excellence. From 1987 to 1994, more than 3,780 children were awarded the prize.

184. Educational institutions frequently organize visits, expeditions and study tours for children. Primary and senior middle schools periodically arrange visits, expeditions, sightseeing and inspection of historic and revolutionary sites, factories, enterprises, scenic spots and cultural establishments, and the sixth year pupils of senior middle school have a study tour for one week.

3. Broadcasts, publications and films for children

185. There are such periodicals as Flower Bud (kindergarten magazine) Saenal (senior middle school newspaper) and Saesedae (monthly magazine for pupils) and various other publications for children. These publications carry interesting literary works, educational materials and scientific knowledge suited to the level and psychological characteristics of children.

186. Television and radio have fixed times for children's broadcasts (see paras. 72-74).

187. Children's films and dramas are produced. Cartoons, science and educational films and various other sorts of children's films serve for the education of children. Among them such films as "Young General" or "Clever Raccoon Dog" are highly praised for their remarkable contribution to patriotism and the mental development of children. Puppet shows and dramas for children are also widely staged.

IX. SPECIAL PROTECTION MEASURES

A. Children in emergency situations (arts. 22, 38 and 39)

1. Refugee children

188. Article 16 of the Socialist Constitution guarantees the legal rights and interests of foreigners in the territory of the Democratic People's Republic of Korea and article 9 of the Law on Educating and Rearing Children provides that the children of those who have come from abroad seeking refuge in the Democratic People's Republic of Korea are also entitled to education in crèche or kindergarten at State expense according to the wish of the parents.

189. In practice, there has been no refugee from a foreign country since the latter half of the 1950s. As a result, the question of protecting refugee children has not arise.

190. Today, the people lead a stable life with no worry about food, clothing and housing and under no threat of political suppression or economic poverty, thanks to the anthropocentric Socialist system of their own style and the popular policies of the Government.

2. Children in armed conflict; their psychological and physical recovery

191. In the Democratic People's Republic of Korea, no person under 16 years of age is permitted to serve in the army. A citizen enlists in the army on a strictly voluntary basis as provided by the Constitution.

192. Even in wartime, the Government maintained the policy of offering special protection to children. In the days of the Korean war, the Government evacuated children to safe places in the rear and took special measures to protect their life and health. It established preschool orphanages and orphans' primary schools to protect and educate war orphans.

B. Children in conflict with the law (arts. 37, 39 and 40)

1. Administration of juvenile justice

193. By virtue of article 11 of the Criminal Law, juvenile offenders between the ages of 14 and 16 may be placed under penal charges in accordance with the procedures and methods of the Criminal Procedures Act. They are subject to all the benefits of human rights protection provided for by the Act and to extenuated penalties following article 33 (4) of the Criminal Law. In reality, there are very few juvenile offenders and social education is usually adopted for them (see para. 87).

2. Children deprived of their liberty

194. The requirement of the Convention not to deprive children of their liberty unlawfully or arbitrarily is met by the provisions of the Criminal Law mentioned in paragraphs 86 and 87 above, and of the Criminal Procedures Act in its section 5, chapter 4. The Democratic People's Republic of Korea has such forms of confinement as detention, house arrest, confinement in a certain area or in the place of residence of the person subject to preliminary examination, according to article 104 of the Criminal Procedures Act. Juvenile offenders may be subject to such deprivation of liberty depending on their crimes, but as social education is preferred for juvenile offenders, none are actually confined or deprived of liberty.

3. Prohibition of capital punishment and life imprisonment

195. By articles 11 and 23 of the Criminal Law, there is the legal possibility of adopting social education for juvenile offenders, and the death penalty may not be imposed on them. No child has, in reality, been punished by law for his or her crime. Nor has the death penalty been handed down in respect of a child.

4. Physical and psychological recovery and social reintegration

196. Article 41 of the Criminal Law provides for non-discrimination against tho e who have been released from a reform institution. This may serve as a legal guarantee for the social reintegration of a juvenile offender after his or her release from a reform institution. But now that social education is preferred, as mentioned above, the question does not actually arise. The

social education of a juvenile offender itself is a way of reintegrating him or her, with a sound spiritual and moral fibre, into the life of the society (see para. 115).

197. There are no social sources that produce crimes, and education of the child is well organized by the close combination of school education, social education and family education. All this results in very few offences among children. There are some traffic offences or public morality offences but extremely seldom. The offenders are reformed by the social education of their educational institution (school) and family education.

C. Children exploited for interest's sake (arts. 32-36)

1. Economic exploitation, including child labour

198. By article 30 of the Socialist Labour Law, the young people who go out into the world for the first time are given jobs in accordance with their sex, age, physical constitution, wish and technical skill level. Child employment has been strictly prohibited since right after the liberation of the country and now such a question does not arise in the Democratic People's Republic of Korea.

2. Drug abuse

199. Article 102 of the Criminal Law defines the punishment for a person who grows opium poppies illegally, who produces, possesses or uses narcotics or poisonous drugs or who supplies them to others.

200. In the Democratic People's Republic of Korea today, it is not permitted to use narcotics or excitants without the prescription of a doctor, and child drug addicts or the use of children in the illicit production and trafficking in such substances are unthinkable. The illegal import of drugs is specifically forbidden by the customs regulations.

3. Sexual exploitation and sexual abuse

201. Article 153 of the Criminal Law provides for a heavy penalty for a man who rapes a woman using violence or threats or taking advantage of her when she is helpless, and for a man who has sexual intercourse with a girl under the age of 15. By article 154 of the same law, a man is also to be punished when he has obliged a women who is officially or by duty his subordinate to have sexual intercourse with him. These provisions serve as powerful legal means to prevent sexual abuse of children.

202. The Democratic People's Republic of Korea has had no case of inducement or coercion of a minor to engage in any unlawful sexual activity, exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials. These are considered to be unimaginable and most disgraceful among the people.

4. Other forms of exploitation

203. Article 76 of the Socialist Constitution, which provides for special protection of children, is a legal guarantee for safeguarding children from all forms of exploitation. Children have not actually been used as a means of making money or an object of exploitation in the Democratic People's Republic of Korea.

5. Sale, trafficking and abduction

204. Article 150 of the Criminal Law lays a criminal charge on a person who steals or conceals a child in pursuit of selfish aims or from the motive of revenge and prohibits permitting any abduction of, sale of or trafficking in children. The Democratic People's Republic of Korea has had no case of abduction of or traffic in children or the sale of children to a foreign country for commercial purpose.

D. Children belonging to a minority or an indigenous group (art. 30)

205. The Democratic People's Republic of Korea is a homogeneous nation with a time-honoured history and has no ethnic minorities or primitive tribes. Therefore the question of protecting the children of such groups does not arise and there is no need to take legal, administrative or other social measures for it.

206. The Government of the Democratic People's Republic of Korea will in the future, too, reliably discharge its honourable and important obligation as the custodian and provider of the rights of the child and, by so doing, remain faithful to the Convention on the Rights of the Child.

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States Parties due in 1992

Addendum

TOGO

[27 February 1996]

Introduction

1. This report was prepared in implementation of the provisions of article 44 of the Convention on the Rights of the Child, under which States Parties undertake to submit reports on the measures they have adopted which give effect to the rights recognized therein and on the progress made on the enjoyment of those rights within two years of the Convention's entry into force. It was prepared in accordance with the general guidelines regarding the form and content of initial reports to be submitted by States Parties.

2. The report is the result of a joint effort by the Togolese Government and civil society. The Government's pro-child policy was given effect by the creation, in December 1993, of the National Committee for the Protection and Promotion of Children (CNE), which is made up of nine ministerial departments, several non-governmental organizations (NGOs) and private associations working in the field of human rights and the rights of the child, and all the country's churches. The task has been carried out with a genuine concern for the truth and in a pluralist, democratic spirit, for the sole purpose of contributing to the strict implementation of the Convention and to improving the living conditions and overall development of Togolese children.

3. Togo signed the Convention on the Rights of the Child on 26 January 1990 and ratified it on 3 July 1990. The instruments of ratification were

deposited on 1 August 1990. The Convention was promulgated on 19 November 1990, by Decree No. 90-180 of the President of the Republic, with a view to its publication in the Official Journal as a law of the Republic.

4. It is recognized in sub-title I, article 10 of the Togolese Constitut that the exercise of State sovereignty is limited by respect for fundamenta human rights, which are also guaranteed by the relevant international instruments which Togo has ratified.

5. Furthermore, the Preamble to the Constitution of 14 October 1992 forcefully proclaims that the Togolese people is determined to build a Stat subject to the rule of law, in which the fundamental human rights and freed and the dignity of the human person must be guaranteed and protected, and convinced that such a State subject to the rule of law must be based on political pluralism, the principles of democracy and the protection of huma rights as defined by the Charter of the United Nations, the International Covenants of 1966 and the African Charter on Human and Peoples' Rights, adopted in 1981 by the Organization of African Unity.

6. In that context, the Togolese Government, associating itself with the efforts of civil society, is constantly and progressively endeavouring to introduce into the national legislation the international norms set forth the various human rights instruments in general and the concerns expressed the Convention on the Rights of the Child in particular.

7. In any event, Togo subscribes to the definition of the child set fort the Convention, to the effect that a child means every human being below t age of 18 years; this entails harmonizing the various national laws which different ages of majority according to the situation in question.

8. Togo is currently undergoing a period of social calm after the socio-political crisis which characterized the transition to democracy. T inauguration of the first Government of the Fourth Republic has made possi the adoption of a series of measures aimed at restoring peace to society a re-establishing a climate of national reconciliation. These measures incl the Act of December 1994, which granted amnesty to those who had committed acts of violence during the crisis, and the signature on 12 August 1995 of agreement between the Togolese Government and the Office of the United Nat High Commissioner for Refugees for the voluntary repatriation of Togolese refugees.

9. The restoration of democracy and the Government's commitments to civ society, making children a priority of national development by improving t quality of life, have been expressed through the rapid promulgation of the Convention as a law of the Republic and the adoption of special measures t protect children. These measures include the implementation of long-term policies and programmes in the fields of health, nutrition for mothers and children, education, etc.

10. Nevertheless, much remains to be done. Mortality rates, levels of child nutrition, academic results, etc., while masked by encouraging indicators of national averages, continue to vary considerably from one region to another, particularly between urban and rural areas.

11. New problems have also appeared, such as the abuse, abandonment and exploitation of minors, adolescent pregnancy, drug addiction, alcoholism, etc. These are social problems, particularly if considered from the point of view of an improved quality of life for children, which is increasingly a priority of both the Government and civil society.

12. The above remarks are a summary of the points dealt with in the body of this report.

I. DEFINITION OF THE CHILD

13. The Convention defines the child as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. Under the Togolese Individuals and Family Code, a child is defined as any unemancipated minor of either sex below the age of 21 years (art. 265).

14. In order to bring the Togolese Code into line with the Convention, given the fact that any international convention ratified by a State takes precedence over national laws, the age of majority must be lowered to 18, rather than 21, the age established by the Family Code of 1980 and confirmed by the Electoral Code of 16 April 1993 (art. 2).

15. The age of emancipation, which is set at 18 years by the Family Code (art. 311), must also be revised.

16. There is no question that the legal minimum age for a child to receive legal or medical counselling without parental consent is the age of emancipation, which is set at 18 by article 311 of the Togolese Family Code of 31 January 1980. That age is obviously based on the age of majority, which must be lowered from 21 to 18, as suggested above.

17. In the future, when the age of majority is set at 18 it would be appropriate to set the age of emancipation at 16. Under the Penal Code, a child who has committed a crime, or a repeat offender, has the right to pre-trial consultation with a lawyer without parental consent.

18. The legal minimum age for the end of compulsory education is 16, since, according to article 2 of the Ordinance of 6 May 1975 on education reform, education is compulsory between the ages of 2 and 15.

19. The minimum age for employment of a child in an enterprise, even as an apprentice, is set at 14, since article 114 of the Togolese Labour Code of May 1974 prohibits the employment of a child under 14 years of age in an enterprise, even as an apprentice.

20. The legal minimum age of sexual consent for children is set at 14 under the provisions of articles 84 et seq. of the Togolese Penal Code

of 13 August 1980 concerning indecent behaviour or any physical contact with a child between 2 and 14 years of age; the same is true in the case of rape of a child under 14 years of age. The Togolese Individuals and Family Code sets the minimum age for a child's consent to marriage as the age of puberty, which is 17 for girls and 20 for boys (art. 43). Those ages are established on the basis of the age of civil majority, which is 21. In the future, it will be necessary to go back to the Mandel Decree of June 1939, which set the age of puberty as 14 for girls and 16 for boys, in view of the age of emancipation, which will be 16, and the age of majority, which will be 18.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken by Togo to harmonize its law and policy with the provisions of the Convention

21. The Togolese pro-child policy was given effect by the creation in December 1993 of the National Committee for the Protection and Promotion of Children (CNE). Within the Committee, there is a legal commission responsible for dealing with the problems encountered in adapting national legislation to the provisions of the Convention on the Rights of the Child. The commission has noted that the provisions for the protection of Togolese children are distributed among several codes (the Social Security Code of 12 November 1973, the Labour Code of 8 May 1974, the Individuals and Family Code of 31 January 1980 and its annex, the Penal Code of 13 August 1980, and the Code of Criminal Procedure of 2 March 1981). The commission therefore plans to combine all these texts in a single document, which would constitute a Togolese children's code.

B. Existing or planned mechanisms for coordinating policies relating to children and for monitoring the implementation of the Convention

1. Planned mechanisms

22. There are both State and non-State mechanisms and institutions.

(a) State mechanisms

(i) Legal institutions

23. The Juvenile Division, established in 1974, is responsible for preliminary investigations and the pre-trial detention of delinquent minors on the instructions of the juvenile judge.

24. The juvenile judge and juvenile court are judicial authorities with jurisdiction in cases involving offences committed by children under 13 years of age. The distinguishing characteristic of the court is that it is a specialized legal body in which the judge combines the functions of examining magistrate ard sentencing judge. There is, thus, adequate protection of children, since, when a child commits an offence, the judge imposes a remedial, rather than a custodial, sentence. Moreover, sanctions are imposed only in exceptional cases and are always appropriate to the age and personality of the child (in the case of children over the age of 16).

25. The guardianship judge is responsible for the protection of the person and possessions of minors at the civil level. The functions of the guardianship judge are performed by the children's judge, a post which was converted to that of juvenile judge by the Code of Criminal Procedure of March 1983.

(ii) Administrative institutions

26. These include:

The Department for the Protection and Promotion of the Family and of Children, which, together with its regional offices, is responsible for implementing the policy for the protection and promotion of children. Its programmes deal with children, young people in difficulty, the disabled and the elderly;

Centres for emotionally disturbed juvenile delinquents, namely:

Cacavelli Centre for Observation and Social Rehabilitation (CORSC);

Kamina "Tomorrow" House (FAK);

The Juvenile Division;

The Division for the Protection of Mothers and Children, under the Department of National Health;

Division on the Rights of the Child, under the Department of Human Rights;

Department of Social Security.

(b) Non-State mechanisms

27. The relevant international bodies are the following: UNICEF, WHO, USAID, UNESCO, UNFPA and UNDP.

28. The following non-governmental organizations are working in this field:

Association for the Promotion of Children (APPEL), in Lomé;

Youth in Action for Development (JAD); includes both boys and girls;

St. Peter of the Poor Home, in Kara;

"OASIS" Terre des Hommes shelter for wayward children, in Lomé;

SOS-Kinderdorf International, in Lomé and Kara;

Christian Children's Fund (CCF);

Togolese League for the Rights and Well-Being of Children (LTDBE).

2. Coordination of activities to benefit Togolese Children: the CNE

29. The National Committee for the Protection and Promotion of Children (CNE) was created by Ordinance No. 16/93/MBESSN of 7 December 1993 and officially assumed its functions on 30 December 1993. It is made up of nine ministerial departments, several NGOs and private organizations working in the field, and all the country's Churches. The CNE became operational on 1 March 1994. It is currently organized into technical commissions, which are engaged in preparing a national plan of action; the national goals for 1995-1997 have been set. A national forum was held in July 1994 in order to obtain input from the population and, above all, from children themselves, in working out the plan of action. The plan of action for the protection and promotion of children is scheduled for completion by the end of July 1994.

30. The CNE has a six-member bureau:

Chairman:	A representative of the Department of Social Affairs
Vice-Chairman:	A representative of the Catholic Church
Secretary-General:	A representative of a national association (LTDBE)
Deputy-Secretary-General:	A representative of the Ministry of Planning
Treasurer:	A representative of the Ministry of Economics and Finance
Deputy Treasurer:	A representative of the Federation of NGOs of Togo (FONGTO) who also represents JAD, a local NGO.

31. Representatives of the following groups are members of the CNE:

Evangelical Church	one representative
African branch of the World Organization for Orphans and Abandoned Children (WAO)	one representative
Ministry of National Education	two representatives
Ministry of Health and Population	two representatives
Togolese League for the Rights and Well-Being of the Child	one representative
Ministry of Human Rights and Rehabilitation	one representative
Ministry of Justice	one representative

Baptist Church	one representative
Ministry of the Environment	one representative
Ministry of Communications and Culture	one representative
Muslim Union	one representative
Eglise des Assemblées de Dieu ("Assembly-of-God Church")	one representative
UNICEF	one representative, who has not yet begun to participate
Department of Social Affairs	three representatives

32. The Committee's responsibilities include informing citizens and increasing their awareness of issues related to the rights of the child, protecting the rights of children whenever necessary, developing a plan of action to benefit children, and ensuring follow-up to the recommendations of the World Summit for Children. It is organized into six technical committees:

Health and nutrition;

Education, training and entry into the workforce;

The legal commission;

Environment;

Information, consciousness-raising and surveys of the needs of children;

CNE resource mobilization.

III. GENERAL PRINCIPLES

33. The legislative measures taken in this area are embodied in the following documents:

the Constitution of the Fourth Republic of 14 October 1992;

the Togolese Individuals and Family Code of 31 January 1980;

the Ordinance of 6 May 1974 on education reform.

Non-discrimination

34. Legislative measures have been taken to eliminate or limit the effects of discrimination. For example, with regard to nationality, article 32 of the Constitution of the Fourth Republic sets forth the principle of equality by stating that any child born of a Togolese father or mother shall have Togolese nationality. Thus, in inheritance matters, where tradition plays a major

role, the law corrects the failings of customary law, for example, when the latter fails to respect the principle of equality between men and women. Nevertheless, in rural areas, the discriminatory principle remains.

35. In the field of education, the Ordinance of 6 May 1975 on education reform combats discrimination between boys and girls by providing for democratic principles and compulsory education between the ages of 2 and 15. Despite the efforts made in this area, there is a wide gap between the numbe of girls and boys enrolled in school; in the primary schools, 39.9 per cent of the pupils are girls, compared with 25.5 per cent at the secondary level, 15 per cent at the tertiary level and 10 per cent at the fourth leve

Best interests of the child

36. The following are examples of action taken in the best interests of th child:

The ratification and signature by Togo of the Convention on the Rights the Child (signed on 26 January 1990 and ratified on 1 August 1990);

The signing of the Declaration of the 1990 World Summit for Children a the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s;

The prioritization, in the near future, of two social sectors, namely health and education (a World Bank programme).

The right to life, survival and development

37. The right to life, survival and development is ensured by the Constitution and the Togolese Penal Code, which protect children from offen against their person, the Togolese Individuals and Family Code, which enshrines children's right to nutrition (arts. 110 and 111) and the Ordinan of 6 May 1975, which established a new school system whose goal is to produ developed, well-adjusted members of society.

Respect for the views of the child

38. The provisions of article 12 of the Convention may conflict with the traditional behaviour of African parents. However, under the Family Code, children over the age of 7 whose parents divorce may express their preferen with regard to custody.

IV. CIVIL RIGHTS AND FREEDOMS

39. The civil rights and freedoms granted to children are dealt within several legal texts:

The Constitution of the Fourth Republic of 14 October 1992, which gra every individual freedom of opinion, thought, religion and expression (art. 25, which corresponds to arts. 12 et seq. of the Convention on Rights of the Child);

The Togolese Nationality Code;

The Togolese Individuals and Family Code;

The annex to the Togolese Individuals and Family Code.

40. The child's right to a name is covered by the annex to the Family Code (arts. 2 et seq.), while the child's right to a nationality is governed by the Togolese Nationality Code of 16 September 1978. The provisions of this Code are discriminatory, since the transmission of nationality from parents to children is sex-based. For example, a child born of a Togolese father is Togolese, but a child born of a Togolese mother and a father who is stateless or of unknown foreign nationality is not Togolese. Equality is restored by the Constitution of the Fourth Republic, which states that "Children born of a Togolese mother or father shall have Togolese nationality" (art. 32). This conforms to article 7 of the Convention, which stipulates that a child must have a name and a nationality.

41. Preservation of the identity of the child is ensured by penal sanctions. The Togolese Penal Code stipulates a fine of 20,000 to 30,000 francs for failure to register the birth of a child within 30 days (art. 76). However, incorrect birth declarations knowingly made to a registrar are punishable by one to five years' imprisonment (art. 76). A registrar or State official who knowingly records incorrect declarations, or who deliberately alters, falsifies or destroys Civil Registry records or documents shall be liable to 5 to 10 years' imprisonment (art. 77).

42. Freedom of expression is guaranteed under the Constitution (art. 25).

43. Children's access to information is ensured by the media (radio, television), which include children's programmes in their broadcasts. It is also the media which, although inadequately at present, inform children and parents of their rights (on the occasion of lectures, debates, symposiums, etc.).

44. Freedom of thought, conscience and religion is guaranteed under the Constitution of 14 October 1992 (art. 25).

45. Freedom of association and of peaceful assembly are frequently mentioned in the French law of 1 July 1901 on freedom of association. On the basis of this law, associations have been created within education establishments. Article 10 of the Constitution of the Fourth Republic also guarantees freedom of association and peaceful assembly.

46. Article 7 of the Labour Code of 28 May 1974 stipulates that a child over 16 years of age may, with parental consent, join a trade union.

47. The protection of privacy is guaranteed by the provisions of articles 28 et seq. of the Constitution of the Fourth Republic, which guarantee the inviolability of the home and the confidentiality of correspondence, communications and telecommunications.

48. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment is guaranteed by the provisions of articles 15 et seq. of the Constitution of the Fourth Republic.

49. It is clear that the constituents of the Fourth Republic of Togo have solved the problems relating to the exercise of individual and collective freedoms and civil rights by all persons and, in particular, by children. Th National Committee for the Protection and Promotion of Togolese Children will be responsible for enforcing these civil rights and freedoms.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

50. Parental authority is exercised both by the father, as head of the household, and by the mother, who cooperates with the father in the material and moral supervision of the family (arts. 101 and 110 of the Family Code). In fact, in most cases, the mother alone is responsible for the material and moral well-being of children; about a fourth of the Togolese population live in households whose only head is a woman. In cases of failure in parental responsibility, the social services work with parents to help them raise and educate their children.

51. The joint exercise of parental authority means that both parents are jointly responsible for their children's upbringing (art. 233 of the Togolese Family Code). When parents do not fulfil that role, they are relieved of parental authority. Children at moral risk are placed in an institution or a foster family until action can be taken with regard to the parents.

52. The problem of children's separation from their parents occurs in cases of divorce or physical separation of the parents. In either case, children under 7 years of age are placed in the custody of their mothers. Children over 7 years age of age may be placed in the custody of either parent (art. 142 of the Family Code). A parent who has lost custody of his or her child retains the right to visit, and be visited by, the child.

53. When, investigation by the social services shows that neither parent ca provide for a child's upbringing, the child is placed in the care of another family member. In such cases, the child's wishes are taken into account.

54. Children deprived of their only parent (for example, if the mother has been imprisoned) are placed in an institution until their mother's release. However, contact between mother and child is maintained during that time, particularly in the case of a very young child. The same procedure is followed when a mother is hospitalized for medical treatment. Such situatio can lead the children involved into delinquency.

55. When a child is to be reunited with parents living abroad, the social services make the necessary arrangements with the consulates involved. There are, of course, difficult situations in which children cannot be reunited wi their fathers; in such cases, a correspondence is established between them v the consulate.

56. The recovery of maintenance for the child does not raise any problem wh the parent owing the maintenance is a salaried worker or a civil servant; in

that case, an amount is withheld at source which must not exceed one third of the salary. By contrast, when the parent does not have an occupation and a regular salary or works in the informal sector, maintenance of the child is in jeopardy. The social welfare service is expected to assist the child in such cases, but has very limited resources, especially in the present socio-economic context.

57. Like the Convention, the Togolese Family Code embodies the child's right to a family in its provisions relating to parental authority (arts. 232 et seq.). In principle, the legal means of protection offered to the child deprived of his family environment is full adoption.

58. With this institution, the child loses his family origins to become the legitimate child of the adoptive family, and his legal status becomes the same as that of a child born in wedlock (art. 230 of the Family Code). Adoption is approved only if it is in the best interests of the child.

59. Priority is given to national adoption, but inter-country adoption is practised if that solution is not available to the child for any particular reason. With inter-country adoption, the adoptive parents are subject to the law in force in their country and in Togo; arrangements are made by all local and international authorities for surveillance and follow-up after adoption to prevent child trafficking. A chain of solidarity has been set up by the various adoptive families abroad. Inquiries are made concerning adaptation and photographs of the child are sent regularly. Correspondence is established in the case of national adoption and the social services are entrusted with the follow-up.

60. An alternative to protection by adoption is placement of the child deprived of a family environment in private or public institutional care.

61. Bilateral agreements have been signed between Togo and other States to control illicit transfers of children abroad. With regard to national problems, the courts, together with the police and the social services, are combating the illicit transfer of children or kidnapping; especially in the case of divorce or separation or of family disputes. Action is taken to return the child to the party who has custody or legal responsibility, and the child and the parent are subject to follow-up, even abroad, through the international social service or any other competent service.

62. Children are protected against abuse and violence in Togolese penal and civil law. Under penal law, parents who subject a child to violence (beatings and deliberate injury, indecent assault with or without violence, neglect of or failure to maintain the home, failure to provide maintenance for the child, non-declaration or false declaration of birth) are punishable by imprisonment or a fine. This kind of punishment is ineffective and incompatible with the provisions of the Convention, as imprisonment or a fine will have the effect of depriving the child of his right to maintenance, i.e. to survival.

63. Civil law considers that neglect or abuse of the child may jeopardize his health, safety, morals and education. The law distinguishes between two categories of sanction: partial or complete loss of parental authority, and educational assistance to the parents.

64. A child in such a situation is placed, after a brief stay in institutional care, with a foster family or a guardian and is monitored. These measures are taken for the child's protection and education. The child is also monitored at school and in regard to his health to avert the effects of the ill-treatment suffered.

65. The child in institutional care is monitored and his placement reviewed with the aim of avoiding institutionalization, which might cause him psychological or moral harm.

66. Minors aged 12 years or over who are placed in institutional care by order of the juvenile judge do not remain in such care for more than three years unless the training which they are receiving has not been completed. The social services of the institutions providing care are responsible for relations with the parents, who are expected to visit their child. Specialized educators keep records of the progress of each child and submit a summary report every three months to the authorities monitoring the placement, enabling them to decide whether it should be shortened or extended.

VI. BASIC HEALTH AND WELFARE

67. The administrative measures taken are as follows:

The Expanded Programme on Immunization (EPI), which began in 1980, has achieved a maximum coverage of 64 per cent for children completely immunized and a minimum of 73 per cent per antigen (data from the 1990 national EPI survey);

The programme to control diarrhoeal diseases instituted in 1982 emphasizes the use of oral rehydration therapy;

The safe motherhood programme has enabled 54 per cent of pregnant women to be attended during child birth;

The family planning programme is implemented jointly by the Togolese Family Welfare Association (ATBEF) and the service attached to the Family Health Division; 48 per cent of women know about modern contraceptive methods (see the report dated March 1991);

The growth monitoring and promotion (CPC) programme combines regular weighing of children from 0 to 5 years with health and nutrition education for mothers;

The Bamako Initiative aimed at delivering health-care services to the public at low cost is operational in health centres in both urban and rural areas;

The programme to combat AIDS;

The programme to combat malaria.

Infrastructure

68. In respect of health facilities, the State has 2 teaching hospitals and 32 other hospitals, 472 public health clinics, 43 maternal and child welfare centres, 33 medico-social centres, 8 public pharmacies, 48 private pharmacies and 90 Togopharma stores.

69. As regards specialist personnel, there are 319 physicians of all specialities, 1,187 nurses/State nurses, 135 medical assistants, 252 State laboratory workers, 61 senior laboratory technicians and 43 senior public health engineering technicians.

70. The statistics show that only 35 per cent of children under 5 years of age have access to health-care services; 46 per cent of deliveries take place in hygienically unsafe conditions at home because of the poor distribution and shortage of supervisory personnel.

71. The theoretical coverage of health personnel is as follows: 1 physician for 11,270 inhabitants, 1 State nurse or medical assistant for 3,029 inhabitants, 1 midwife for 9,977 inhabitants and 1 public health engineer for 83,605 inhabitants. These figures change as one moves towards outlying areas. There may, for example, be 1 physician for 3,750 inhabitants in the city, but 1 physician for 20,000 inhabitants in outlying regions. There is a shortage and poor distribution of health personnel.

72. Medical staff receive seven years of training on average, while training for paramedical personnel lasts three years.

73. The school medical officer exists only at the central level. His activities are very limited because of the lack of resources.

74. The difficulties or, to be more exact, the obstacles encountered in the implementation of health policy include:

The shortage of infrastructure for the care of sick children;

The shortage of qualified medical and paramedical staff;

The low purchasing power of families, which makes it impossible for them to pay for health-care services.

VII. PROGRESS ACHIEVED

75. Progress achieved with regard to child survival and development includes the creation of the Department for the Protection and Promotion of the Family, which manages several programmes concerned with child survival and development (applied nutrition programme for children aged 0 to 5 years; welfare programme for all vulnerable segments of society, including children, pregnant women and destitute mothers; EPI awareness-raising programme; programme of income-generating activities to enhance the purchasing power of households and enable them to provide for family members' needs). The State services, non-governmental organizations (Terre des Hommes Foundation, which deals with neglected children, SOS-Kinderdorf International, Youth in Action for

Development, Conseil Gestion Afrique Togo, la Pouponnière) and international organizations (UNICEF, WHO, etc.) are collaborating at the national level.

76. The results obtained are as follows:

The under-five mortality rate is 80 per 1,000;

64 per cent of children are completely immunized; 45.2 per cent of mothers know the health drink for diarrhoea and 33 per cent use it;

280,000 children are covered by the growth monitoring and promotion programme;

The national coverage of village pharmacies is 52 per cent;

816 school pharmacies are located in provincial schools;

The utilization rate of family planning services is 10 per cent for clinical methods and 30 per cent for non-clinical methods.

77. Measures taken on behalf of disabled children are set out in the development plans designed to benefit all children. These include immunization programmes, some of the provisions contained in the Family Code, educational reforms, etc.

78. Also to be noted are the initiatives of private organizations to assist certain categories of disabled children:

The Togoville, Kpalimé, Bassar and Kara schools for the blind provide courses in Braille based on the general curriculum;

The school for the deaf and dumb at Lomé caters for about 60 children;

The psycho-medical education centres for mentally retarded children.

79. The Togolese social security system (Ordinance No. 39/73 of 12 November 1973) is very selective, i.e. it applies only to the children of salaried workers and officials not members of the civil service.

80. The family benefits which the system provides are prenatal and post-natal benefits, i.e. maternity leave and family allowances and home leave. All these benefits are very small.

81. Day-care facilities are made available by Terre des Hommes, SOS-Kinderdorf International at Lomé and Kara, la Pouponnière and the early childhood centres set up throughout the country. The innovation in this area is that children are now beginning to be placed in safe locations (CPPE) with appropriate staffing to provide care and education in proper conditions.

82. In a family that is united (by marriage), the obligation of maintenance lies with the father and the mother, who exercise parental authority jointly (arts. 110 and 233).

83. If the parents are divorced or physically separated, the obligation of maintenance lies with the parent who has custody of the child. In the event of disagreement between the spouses, the level of support is set by the judge, who must take into consideration the resources of the provider and the needs of the beneficiary.

84. In so far as the natural family is concerned, the obligation of maintenance lies with the parent who has voluntarily recognized the child. If both parents recognize the child at the same time, priority must be given to the father, who will then take on the obligation of maintenance.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

85. A distinction has to be made between family education and school education in Togo.

86. Family education is recognized by articles 110 and 233 of the Togolese Individuals and Family Code; article 110 states clearly that through marriage the parents contract to bring up and instruct their children. Article 233 specifies that the parents' obligation to educate their children is an attribute of parental authority.

87. School education is regulated by the ordinance of 6 May 1975 reforming the education system and setting the goals of the new school system. To this should be added the decision of 26 December 1975 establishing a parents' association for each school at the first three levels. The administrative measures taken to promote implementation of the reform of 6 May 1975 include the creation of school at the first three levels.

88. According to the UNICEF report for 1993, 85 per cent of boys, as against only 58 per cent of girls, enter the first level. Of the total number of entrants, 46 per cent leave at the end of the primary cycle. By the end of the secondary cycle 33 per cent of boys and 10 per cent of girls remain. However, there are a number of obstacles which should be noted, including:

- The shortage and under-qualification of teaching staff;
- The shortage of school facilities, which has led to overcrowded classrooms and a resulting increase in the proportion of pupils repeating a year (the national rate is 1 pupil in 2);
- The shortage of teaching materials;
- The lack of facilities for games in kindergartens.

Education, including vocational training and guidance

89. Since the reform of May 1975, there have been a number of innovations, as follows:

- The creation of four levels of instruction, which represents an improvement on the previous education system, where there were only two levels (primary and secondary schools);

The creation of schools of agriculture to provide training for young people not attending or having left school;

The creation in 1985 of a Ministry of Technical Education and Vocational Training, which has helped to resolve the employment-training equation;

The affirmation of the principle of compulsory and free education by article 2 of the ordinance of 6 May 1975 (education is compulsory from ages 2 to 15).

Aims of education

90. The aims of education are specified in the objectives of the new school system instituted by the reform of 6 May 1975, namely:

To democratize education, i.e. make it compulsory, free and equal for girls and boys;

To make education efficient, i.e. avoid repeating by ensuring that classes are of a reasonable size (art. 15);

To adapt education to the developing environment (institution of two national languages, Kabyè and Ewé; reinstatement of subjects such as music, physical and sports education, drawing, cultural and artistic activities, sex education and initiation into family life and practical life, and civics). Clearly, with the appearance of concepts such as human rights, the rights of the child, private initiative, the environment and nutrition, the school curricula need to be reviewed.

Leisure, recreation and cultural activities

91. Leisure, recreation and cultural activities have already been considered in (b) above.

92. Along with the State schools, there are private schools, both secular and religious. The religious schools receive subsidies from the State, but that is not the case for the secular schools. We should point out that, for children not attending or having left school, the Social Service provides functional literacy courses. There are no statistics available for children in that connection.

IX. SPECIAL PROTECTION MEASURES

93. Refugee children and children in armed conflicts enjoy no legal protection. For Togo, this is a completely new phenomenon. However, the social services provide some administrative protection for these two social categories by supplying them with emergency material assistance.

Protection under penal law

94. Protection under penal law of a child who commits or is the victim of an offence is governed by three sets of instruments:

(i) The ordinance of 13 February 1969 instituting the office of juvenile judge;

Ordinance No. 78/35 of 7 September 1978 on the organization of the judicature, which includes juvenile courts among the specialized ordinary courts (art. 1);

(ii) The Penal Code of 13 August 1980, protecting child victims of offences;

The Code of Criminal Procedure of 2 March 1983, protecting child offenders;

(iii) The Labour Code of 8 May 1974, governing child labour, together with the decisions enabling implementation of the Code;

The ordinance of 16 November 1988 governing apprenticeship in Togo.

95. Obstacles to the implementation of protection under penal law for the child who commits or is the victim of an offence include:

The non-specialization of the juvenile judge;

The shortage of preventive detention centres designed for child offenders (there is only one centre in the capital, called the Brigade pour mineurs);

Shortage of juvenile courts (there is only one court for children in the capital);

Shortage of rehabilitation and social reintegration centres (two public care centres, namely Cacavelli and Kamina, which are both in need of renovation).

Administration of juvenile justice

96. A child responsible for a criminal offence receives special treatment, i.e. he comes under the specialized jurisdiction of the juvenile judge or juvenile court. These two authorities conduct both the trial and the pre-trial proceedings.

97. The juvenile judge is empowered to deal with minor offences (contraventions and some misdemeanours), while the juvenile court not only serves as an assize court (children aged 16 years or over) but can also deal with cases of recidivism.

98. How is the child defended before the juvenile judge or the juvenile court? The defence is conducted by a lawyer appointed by the court or chosen by the parents, especially in cases involving a crime; but we may note that the Constitution of 14 October 1992 provides for legal counsel from the start of the preliminary investigation (art. 16). The child is also helped by social workers, especially the social worker assigned to the juvenile judge or court.

99. Some legal and administrative measures have been taken in Togo to avoid judicial proceedings or institutionalization in the case of children. Under the Family Code for example, a child abused or neglected by his parents may receive educational assistance, which is both a protection for the child and a form of help to the defaulting family. In addition, the child may be placed with a third party rather than in institutional care.

Treatment of children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

100. The child in principle receives special treatment which is involving remedial rather than custodial measures (return of the minor to his parents or to a trustworthy person). In the case of placement in institutional care, the institution concerned provides for the child's schooling and vocational training. In general, the institution prepares for the child's return to his family through the social services. The same treatment applies at the Brigade pour mineurs, i.e. the remand home for juveniles, which has its own social service.

Sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment

101. Article 475 of the Togolese Code of Criminal Procedure of 2 March 1983 provides that if a juvenile convicted of a criminal offence is over 16 years of age at the time of sentencing, the penalty must be aligned with that for an adult offender, subject to the following conditions: first, the penalty incurred by the juvenile offender cannot be more than half that applicable to adult offenders; and, secondly, it may not exceed a total of 10 years. In any event, this relates to sentencing in cases involving a crime or recidivism.

Physical and psychological recovery and social reintegration

102. The institutions responsible for physical and psychological recovery and social reintegration (CORSC and FAK) have not been able to meet their objectives satisfactorily. Consideration has therefore been given since August 1993 to reorganizing these institutions with a view to promoting educational assistance in an open setting, thereby making use of the child's social environment.

Economic exploitation, including child labour

103. Child labour is regulated, as we have already indicated, by the provisions of the Labour Code (art. 114), as well as by decision No. 884-55/LTIS of 28 October 1955 relating to female and child labour, and by decision No. 15/MTAS-FP of 6 December 1958 relating to child labour. These instruments prohibit the employment of a child aged less than 14 years in an enterprise, even as an apprentice. Furthermore, work performed by a child must not exceed his physical capacity or endanger his health, education or morals.

Drug abuse

104. The Togolese legislature has signed most of the international instruments prohibiting the illicit traffic in or illicit consumption of toxic and psychotropic substances (the Single Convention on Narcotic Drugs of 1971 and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988). At the domestic level, there are the following instruments:

The decree of 4 May 1928 regulating toxic substances;

Decree No. 62-100 of 20 July 1962 establishing a service for the suppression of illicit traffic in narcotic drugs;

Decree No. 74-110 of 25 July 1974 establishing a national commission on narcotic drugs and psychotropic substances;

Act No. 84-15 of 16 May 1984 prohibiting the use and production of or traffic in toxic and psychotropic substances;

Order No. 77-8 of 20 March 1977 granting the monopoly of imports of medicaments to Togopharma;

Inter-ministerial decision No. 14-89 of 31 May 1989 establishing new provisions relating to the transit of pharmaceutical products in Togo.

105. These instruments all have two aims, namely punishment and prevention. As regards the first aim (Act of 16 May 1984), the penalty is in principle imprisonment for 5 to 10 years and a fine of between 1 million and 5 million francs.

106. If a child under 18 years of age is involved in drug trafficking, the maximum penalty increases from 10 to 20 years of imprisonment, with a fine of 2 million to 10 million francs. Regarding the second aim, Togopharma is responsible for controlling imported pharmaceuticals containing toxic and psychotropic substances. The intention is also to stop these products from entering Togo.

Sexual exploitation and sexual abuse

107. The child victim of sexual exploitation or sexual abuse is protected by the provisions of articles 84 et seq. of the Togolese Penal Code of 13 August 1980, which set a penalty of 1 to 5 years of imprisonment for indecent assault without violence on a child aged under 14 years. In the event of the use of violence or threats, the maximum penalty is increased from 5 to 10 years of imprisonment (art. 85). As regards rape, the perpetrator or accomplice may be sentenced to 20 years of imprisonment if the victim is a child under 14 years of age (art. 87).

Sale, trafficking and abduction

108. Child abduction is punishable under the provisions of articles 78 et seq. of the Togolese Penal Code of 13 August 1980, which provides for sentences of

imprisonment ranging from 1 to 10 years. With regard to the sale of or traffic in children, there is regrettably a lack of regulation, but in the future the question will very certainly be taken up in connection with adoption, where the legislature will be able to regulate this matter effectively.

CONCLUSION

109. This initial report on the extent of the implementation of the Conven on the Rights of the Child and the progress achieved in that regard in Togo has provided an excellent opportunity to define the main problems that the country must tackle in order to continue to make progress towards the realization of the rights of the child.

110. In recent years, the situation of children has improved considerably thanks to the development of coherent health, nutrition and education programmes.

111. On taking office, the present Government committed itself to pursuing vigorous social policy based on participation and focusing on effectiveness Its efforts have made it possible to restore social spending, particularly the fields of health, education and social welfare.

112. At the same time, to give full effect to the Convention, the contradictions and shortcomings in current legislation and judicial practic need to be remedied so that children can fully enjoy their rights, both fro the standpoint of legislation and in everyday life. This harmonization of legislation is a prerequisite for the implementation of an appropriate soci policy geared to childhood and young people.

113. Thus, in conclusion, the situation concerning the rights of the child Togo has undergone some notable changes in recent years, particularly in so far as legislative instruments are concerned. Manifest efforts are being m to put those instruments into effect, efforts which deserve to be pursued a encouraged at all levels of Togolese society. The creation of the National Committee for the Protection and Promotion of Children is undoubtedly a positive element and a stimulus for the promotion of the rights of the chil in Togo. The Committee must therefore be supported in financial and materi terms to make it really operational and effective.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

SIERRA LEONE

[10 April 1996]

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I. BACKGROUND

A. Land and people

1. The Republic of Sierra Leone is on the west coast of Africa, bounded on the north and east by Guinea, on the south-east by Liberia and on the south-west and west by the Atlantic Ocean. It lies between latitudes 6-10° and 10-13° west.

2. The country covers an area of approximately 71,400 sq km, i.e. 27,700 square miles, and has a tropical climate with high humidity and temperatures averaging 27° C.

3. In 1992 the population was estimated at 4.1 million yielding an overall population density of 55 persons per sq km. The capital, Freetown, then had a population of about 795,000 and the two largest towns in the interior, Bo and Kenema, had populations of 91,000 and 98,000 respectively. As a result of massive displacement due to the four-year-old conflict, it is now estimated that there are 1.5 million people living in Freetown, 400,000 in Bo and 200,00 in Kenema.

4. The population of the country is composed of 18 different ethnic groups, with English as the official language and Krio serving as the lingua franca. About 75 per cent of the population are Muslims, a little over 23 per cent are Christians and less than 1 per cent practise traditional animism.

B. Socio-political situation

5. Sierra Leone, a former British colony, became an independent country in 1961 and a republic in 1971. The country is divided into 12 districts with three provinces, viz northern, southern and eastern, plus the Western Area where the capital, Freetown, is located. Sierra Leone became a member of the United Nations in 1961 after its independence.

6. On 30 September 1990, Sierra Leone joined other world leaders at the World Summit for Children where the head of State signed both the Declaration and the Plan of Action for implementing the survival, protection and development goals for children by the year 2000. Sierra Leone also participated in the Conference on Assistance to African Children organized by the Organization of African Unity (OAU) in Dakar in November 1992, where it reaffirmed its commitment to the World Summit goals for children and engaged in dialogue with the international community on ways to achieve the goals.

7. However, the socio-political environment since Sierra Leone ratified the Convention on the Rights of the Child in 1990 has been characterized by economic difficulties, increasing mass poverty, deterioration of social services and amenities and a rebel war. The economic bases, agricultural and mineral production, experienced increasing declines during the period coupled with large budgetary and balance of payments deficits. The per capita income at $210, is about one half that of 1980. From being a net exporter of rice, the country now imports 40 per cent of this its main staple food. The

official currency, the leone, was devalued from 2.5 to the dollar in 1984 to 620 in 1994. Inevitably, this meant less family resources to meet the basic needs of children and other family members.

8. The change of government, by a bloodless military coup d'etat in April 1992, reintroduced functional governance and saw the return of the World Bank and donors. Two years after, the economy was pronounced healthy by the Bretton Woods institutions; the rate of inflation drastically reduced from 111.5 per cent in 1991 to 21 per cent by 1993, and macroeconomic programmes of structural adjustment as well as remedial Social Action for Poverty Alleviation (SAPA) programmes were in place. A constitutional programme towards democratization was introduced, as well as the restoration of basic public amenities and social and physical infrastructure to provide increased access to basic services.

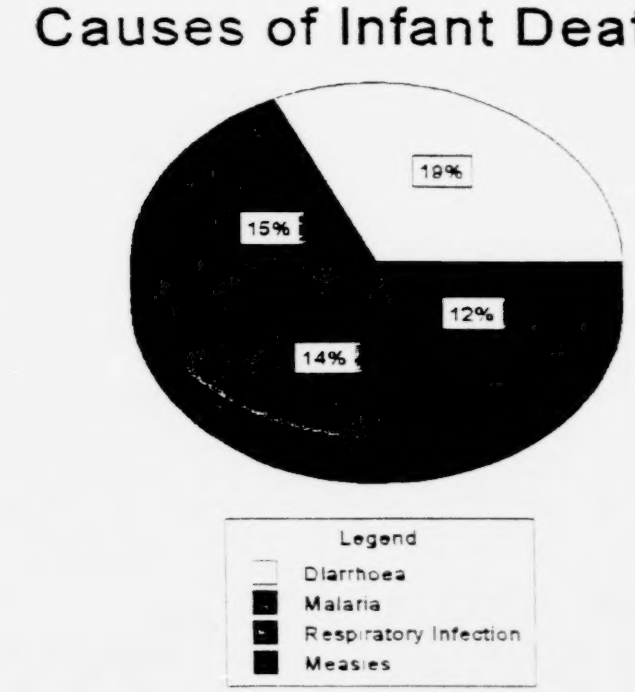
9. While all these and other such measures had restored some hope, the war has dislocated the economic and social structures resulting in adverse effects on family income, seriously affecting the quantity and quality of care for children. This constituted a major setback to the Government's capacity to pursue its main socio-economic development objectives. The war has affected 12 out of the 13 districts of the country with 1.5 million people internally displaced and 340,000 refugees in neighbouring Guinea. The loss of people's lives and government revenue has paralysed the economy because the war area is both the economic epicentre and the main staple food (rice) producer of the country. The war has further damaged infrastructure, disrupted social structures, increased the incidence of diseases and malnutrition and disrupted the educational system. Hundreds of children have been orphaned and up to 2,500 children have been involved in the war suffering severe trauma as combatants. It is also estimated that there are 5,000 street and unaccompanied children in Freetown and the other urban towns. Consequently, abject poverty has increased and now engulfs over 70 per cent of the population and, as is true to the nature of third world circumstances, the heaviest toll falls on children.

10. On the macroeconomic front, the new Government has shown commitment to addressing the untenable social situation. The head of State is championing political commitment based on the Convention and this has resuscitated zeal for development efforts. Most notably the Government has released for rehabilitation in the midst of the rebel war up to 570 child soldiers in accordance with the Convention. The Health and Education Plans of Action espouse the World Summit goals including the mid-decade goals (MDGs), and systems and mechanisms for greater efficiency and accountability in government as well as to curb corruption have been introduced. Already the budgets for health and education for the 1994/95 fiscal year saw an increase of 36 per cent and 52 per cent respectively over the previous year, reversing successive declines over the last decade. Much emphasis, including a substantial government contribution, is put on the SAPA programme and the Government has promulgated a policy of decentralization as a strategy for effectively reaching the people.

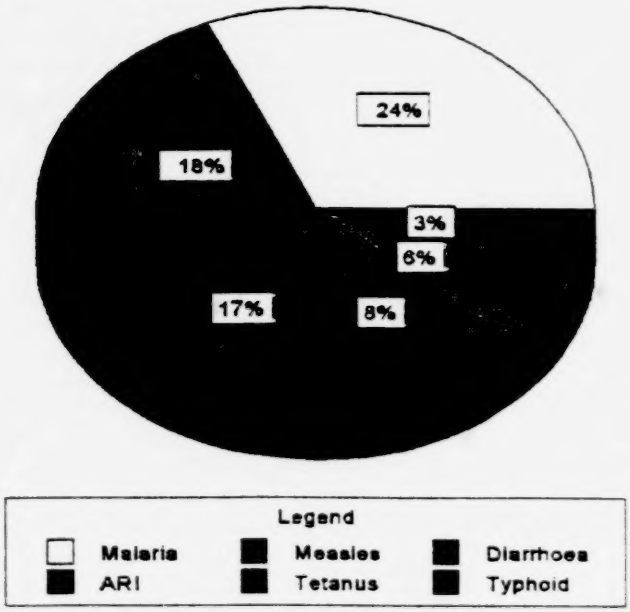
C. Situation analysis of children

11. The infant mortality rate (IMR) in Sierra Leone is estimated at 135 per 1,000 live births and under-five mortality at 229 per 1,000 live births. Current estimates put the rate of maternal mortality at 700 per 100,000 live births, one of the highest in the world; an estimated 17 per cent of all births occur to girls aged between 13 and 19 years. The Sierra Leonean's life expectancy of 44.7 years at birth is one of the world's lowest.

12. The predominant causes of infant deaths are diarrhoea (19 per cent), malaria (15 per cent), acute respiratory infection (14 per cent) and measles (12 per cent). The main causes of under-five deaths are malaria (24 per cent), measles (18 per cent), diarrhoea (17 per cent), acute respiratory infection (ARI) (8 per cent), tetanus (6 per cent) and typhoid (3 per cent). In both cases, malnutrition is a major contributory factor. Overall, only 43 per cent of the total population of the country has access to safe drinking water, the coverage for urban and semi-urban areas being 83 per cent and for rural communities 30 per cent. The rest of the people derive their drinking water from springs, swamps and rivers which are often contaminated. Most houses do not have proper refuse and excreta disposal systems; only 20 per cent of the rural and 68 per cent of urban communities have access to proper disposal of excreta. Poor access to and the poor quality of health services, poor environmental sanitation and hygiene and the high illiteracy rate as well as strong cultural beliefs in the supernatural are the underlying causes of most of these health problems.



Causes of Under-Five Deaths

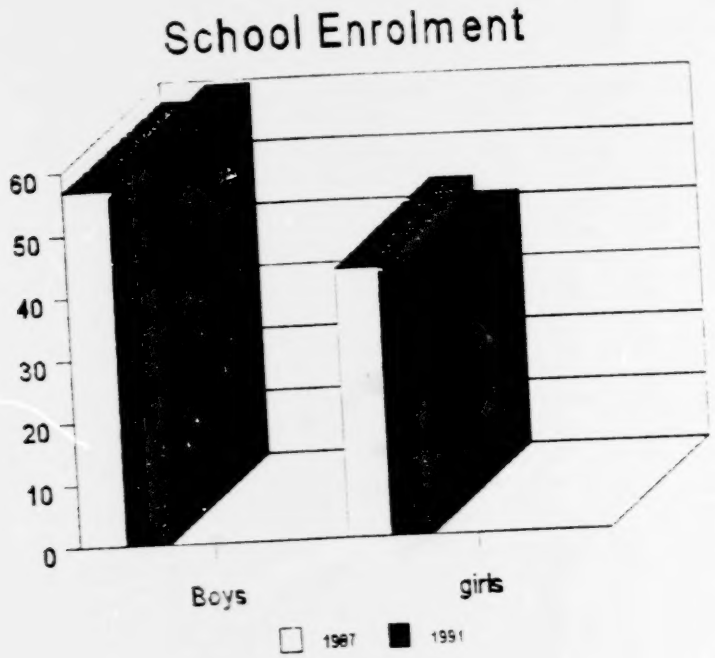


13. Twenty-nine per cent of the under-fives are underweight, 22 per cent stunted and another 6 per cent wasted. Moderate and severe stunting is highest (39 per cent) among children two to five years of age, while moder and severe wasting affects 18 per cent of the one to two-year-old children According to hospital records, 17 per cent of children are born underweigh Iodine deficiency disorders (IDD) are a major public health problem in the country; 53 per cent, 32 per cent and 12 per cent of a sample of schoolchildren were found to be suffering from severe, moderate and mild deficiencies, respectively. Data on other micro-nutrients are very doubtf they show that anaemia prevalence and severity are increasing but that vitamin A deficiency is not yet a problem.

14. Daily calorie intake per capita for Sierra Leone is 1,799 calories, 79 per cent of the requirement and the fourth lowest in the world. Inadeq food availability exacerbated by the war, poor feeding practices resulting from lack of awareness and poor health care are among the main underlying causes of the poor nutritional status.

15. School enrolment has been declining over the past decade with the mo marked decline, a 26 per cent drop, occurring during the period 1987 to 1 The year 1991-1992 registered an enrolment of 36 per cent of the primary school age group of which 59.4 per cent were boys and 40.6 per cent girls compared with 41 per cent in 1987 of which 57 per cent were boys and 43 per cent girls. Regional differences are, moreover, very pronounced; example, while the enrolment rate is estimated at 70 to 80 per cent in Greater Freetown, it is only around 20 per cent in some parts of the

Northern Province. Drop-out rates are generally high and highest between grades I and II at 25 per cent. Accessibility of schools and the quality as well as relevance of education are the main hindering factors. The adult illiteracy of 79 per cent in Sierra Leone is among the highest in the world. The rate for women is an astonishing 89 per cent! As repeatedly indicated, this is a major underlying and basic cause of many of the problems affecting children.



16. The available estimate of 45 per cent of (mostly girls) children between 10 and 14 years of age in the labour force is unacceptable, even given the symptomatic indicators of the drop in GNP, increase in school drop-out rates and decline in school enrolment.

II. GENERAL MEASURES OF IMPLEMENTATION

A. Preparation for ratification

17. Sierra Leone was the seventh country to sign the United Nations Convention on the Rights of the Child on 2 February 1990. The country deposited the instrument of ratification with the United Nations Secretary-General on 18 June 1990, thereby fulfilling its obligations and demonstrating the country's commitment to adhere to the provisions of the Convention.

18. A National Summit for Children held on 13 September 1990 adopted a six-point resolution including acceptance of the Convention as the basic standard against which the nations' actions would evolve. This was the climax of 196 mini-summits held at village, chiefdom, district and provincial levels.

19. Between August and September 1992, a draft National Programme of action (NPA) was prepared as a result of a series of workshops held to formulate district plans of action in line with the Convention on the Rights of the Child and the World Summit declaration. Unfortunately, the internal conflict, which started in March 1991, has derailed the implementation of the NPA.

B. Harmonization of national law and policies

20. On 2 January 1991, the National Council for Children (NCC) presented the National Constitutional Review Commission with some observations and recommendations on child labour, early child marriage, substance abuse and laws relating to juvenile justice. The Council strongly advocated for equal opportunities for children in especially difficult circumstances, the recognition of all human rights conventions and the removal from the Constitution of any provision(s) which contradict the Convention on the Rights of the Child.

21. In December 1994 the Sierra Leone Bar Association (SLBA) supported Government in a comprehensive review of the laws of Sierra Leone pertaining to children as required of States parties under article 41 of the Convention. The review clearly stated that existing legislation pertaining to children was fraught with inadequacies, inappropriate and out-moded and contained gaps on issues of particular relevance to child protection. It highlighted those areas incompatible with the Convention and made recommendations to effect changes. As a follow-up, Government and the SLBA, with support from UNICEF, are currently drafting "A New Comprehensive Bill on the Rights and Welfare of the Sierra Leonean Child".

C. Policy coordination and monitoring mechanisms

22. The Social Services Division of the Department of Health and Social Services is the principal coordinator of policies relating to children and for monitoring the implementation of the Convention. In addition, Government has decided to appoint desk officers in each government department to facilitate the monitoring of implementation of the Convention as well as to provide reports to the task force on progress and setbacks.

23. In pursuance of article 44 paragraph 6, a number of child welfare agencies participated in a multisectorial task force that prepared and finalized the report under the direction of the Social Services Division, Department of Health and Social Services. This final document will be widely distributed to all national and international child welfare organizations in Sierra Leone.

D. Publicizing the Convention

24. Measures undertaken to make the principles and provisions of the Convention widely known include, but are not limited to, the following:

(a) An NGO sensitization forum on the rights of the child held on 8 March 1990, followed by another NGO forum on the World Summit for Children on 14 June 1990;

(b) A Media Action Group for Child Survival, launched on 19 October 1990, to ensure widespread dissemination of the provisions of the Convention;

(c) A workshop organized by the National Council for Children in April 1992 to sensitize its members of the principles and provisions of the Convention;

(d) The Freetown City Council launched the Freetown Chapter for Children to create public awareness and mobilize public support for the implementation of the various articles of the Convention;

(e) A series of sensitization programmes on radio and television aimed at creating awareness about the provisions of the Convention.

III. DEFINITION OF THE CHILD

A. Age of majority

25. In section 1 (3) of the Sierra Leone Citizenship Act 1973 a person shall be of full age if he has attained the age of 21 years. A "child" is defined in the Education Act, Cap. 10 of the Laws of Sierra Leone, as "a persons under the age of 21 years". However, section 31 of the 1991 Constitution stipulates the voting age as 18 years.

B. Employment

26. Part V of the Employers and Employed Act, Chapter 212 of the Laws of Sierra Leone, makes several provisions for the employment of children.

(a) Section 47 (1) - No girl or woman of any age shall be employed in or allowed to be, for the purpose of employment, in any mine below ground;

(b) Section 48 - No girl or woman of any age, or boy who appears to be under 18 years of age, shall be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed;

(c) Section 51 - Children who appear to be under the age of 12 years shall not be employed in any capacity whatsoever. The provisions of this section shall not apply to any child employed to perform light work of an agricultural, horticultural or domestic character by a member of the family of such child and which has been approved by the competent government authority; further, no such child shall be employed before six o'clock in the morning or

after eight o'clock in the evening on any day or for more than two hours on any day and such child shall not be required to lift, carry or move anything so heavy as to be likely to cause injury to him;

(d) Section 52 - Children who appear to be under 15 years of age shall not be employed or work in any public or private industrial undertaking or in any branch thereof, other than an undertaking in which only members of the same family are employed. The provisions of this section shall not apply to work done by such children in any government school or school approved and supervised by the Director of Education;

(e) Section 53 - Children who appear to be under 15 years of age shall not be employed or work in vessels, other than vessels upon which only members of the same family are employed. The provisions of this section shall not apply to work done by such children on any school, ship or training vessel approved by the Harbour Master of Freetown;

(f) Section 54 (1) - Male persons under the age of 16 years shall not be employed underground in mines;

(g) Section 55 (1) - Young persons under the age of 18 years shall not be employed or work in vessels as trimmers or stokers;

(h) Section 56 (1) - The employment of any young person under 18 years of age on any vessel shall be conditional on the production of a medical certificate attesting fitness for such work, signed by a duly qualified and registered medical practitioner.

C. Militarization

27. Section 16 (2) of the Royal Sierra Leone Military Forces Act 1961 provides for the voluntary enlistment into the armed forces: "A recruiting officer shall not enlist a person under the apparent age of seventeen and a half years unless consent to the enlistment has been given in writing by his parents or guardians or where the parents or guardians are dead or unknown, by the District Commissioner or an Assistant District Commissioner of the District in which such person resides or if he resides in an area where there is no District Commissioner, the Director of Social Development".

28. There is no minimum age requirement for conscription into the armed forces in the national legislation except the provision in the Geneva Convention that children below the age of 15 years should not be conscripted into the army. Sierra Leone is at present faced with a rebel war and an unfortunate aspect is the conscription of school children some of whom are less than 15 years old, by the rebel forces.

D. Age of marriage

29. Under customary law there is no minimum age of marriage as the girl child is given into marriage at a very tender age. In civil or Christian marriage, however, the minimum age is 18.

30. In section 2 of the Prevention of Cruelty to Children, Cap. 31 of the Laws of Sierra Leone, the word "child" has been defined to mean "a person under the age of sixteen years". Notwithstanding this definition, a girl child is given into marriage under customary law when she is far below 16 years.

E. Sexual consent

31. Sections 6 and 7 of Cap. 31 of the Laws of Sierra Leone make provision for the protection against sexual abuse of girls under 14 years, with or without their consent. Regrettably, the provisions are only academic in areas where customary law is practised and there is therefore the need for the harmonization of the law in this area.

32. The following offences are also created by Cap. 31:

Section 9 - Indecent assault and attempt to have carnal knowledge;

Section 10 - Procuration for prostitution;

Section 12 - Abduction of girls for immoral purposes;

Section 13 - Encouragement of seduction, prostitution or unlawful carnal knowledge by parents, guardians, etc.

F. Criminal responsibility and liability

33. A child below the age of 10 years is deemed to be incapable of committing a crime and therefore does not have any criminal liability. A child, juvenile or young person can voluntarily give testimony in court as long as he understands the difference between telling lies and telling the truth and also the importance and sacredness of taking the oath.

34. Section 24 (1) of Cap. 44 of the Laws of Sierra Leone states that "No child shall be sentenced to imprisonment". No young person shall be sentenced to imprisonment unless the court considers that none of the other methods legally available is suitable (sect. 24 (2)). Imprisonment is therefore a punishment of last resort. Section 24 (3) provides that "A young person sentenced to imprisonment shall so far as circumstances permit, not be allowed to associate with adult prisoners".

35. Alternative punishments include:

(a) Section 25 of Cap. 44 - discharging the child or young person without making an order;

(b) Order the child or young person to be repatriated at the expense of Government to his home or district of origin;

(c) Order the child or young person to be handed over to the care of a fit person or institution named in the order, such person or institution being ready to undertake such care;

(d) Section 2b - committal to an approved school;

(e) Order his parent or guardian to enter into a recognisance to exercise proper care and guardianship (sect. 27 (1) (h) (iii));

(f) Placing him for a specified period, not exceeding three years, under the supervision of a probation officer (sect. 27 (1) (h) (iv));

(g) Section 40 (1) - send the child or young person to a remand home.

G. Deprivation of liberty

36. Section 17 (1) of the 1991 Constitution protects the individual from the deprivation of his personal liberty.

H. Alcohol/drug consumption

37. It is an offence to sell alcohol to children below the age of 16 years.

IV. GENERAL PRINCIPLES

A. Non-discrimination

38. In section 6 (2) of the 1991 Constitution, provision is made for the State to promote national integration and unity and to discourage discrimination on the grounds of place of origin, circumstances of birth, sex, religion, status, and ethnic or linguistic association or ties. The State is therefore under an obligation to ensure that there is non-discrimination.

B. Best interests of the child

39. In the legal system of Sierra Leone, the child's best interest is paramount as is demonstrated by the courts in cases of adoption, divorce and offences involving children. In cases where custody is sought, the courts before granting such an application insist on convincing evidence to show that such custody will be in the best interest of the child and that the child will be properly taken care of. In some instances the court will interview the child to enable it to reach a good decision. The best interest of the child is the paramount consideration in procuring the emigration or repatriation of a child (sect. 19 (b), Cap. 31 of the Laws of Sierra Leone).

40. The children and young persons Act, Cap. 44 of the Laws of Sierra Leone, makes provision for the detention in the Approved School of guilty child offenders; section 36 (2) (a) provides that "If the manager of a school is satisfied that it is in the best interests of the person under supervision as aforesaid that such persons should be recalled to the school, the manager shall make application to the court for an order authorising him to recall such person to the school. Section 36 (2) (c) provides that if after hearing the manager of the school and after hearing what if anything the person in respect of whom the order is sought and his parent or guardian have to say, the magistrate is of the opinion that it is in the best interest of the said

person that he should be recalled, the magistrate shall make an order accordingly authorizing the manager to recall such person to the school, and the manager may hereupon recall to the school forthwith such person.

C. Right to life, survival and development

41. The right to life is guaranteed and protected in section 16 of the 1991 Constitution. Such protection is also afforded in section 4 (1) of Cap. 31 of the Laws of Sierra Leone, which even makes it an offence if a child is ill-treated, neglected, abandoned or exposed in a manner likely to cause such child unnecessary suffering to his health; and a parent is deemed to have neglected a child in a manner likely to cause injury to his health if he fails to provide adequate food, clothing, medical aid or lodging for the child. At least one prosecution has been instituted in the last two years against a mother for abandoning her newly born baby.

D. Respect for the view of the child

42. Though totally wrong, it was the general attitude of adults that children must be seen and not heard. This attitude is, however, gradually changing and the view of children are taken into consideration now in making decisions at home, school, in societies and associations and even at the national level. It has always been the practice to give children an opportunity to air their views in legal proceedings in which, though not parties in the action, they will be directly affected by the judgement or order, especially where custody is the issue. In cases where their rights are affected and they become parties in an action, they are fully represented by their "guardian ad litem".

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

43. Provision for the nationality of posthumous children is made in section 21 of the Sierra Leone Citizenship Act 1973 which states, inter alia, "Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death be construed as a reference to the national status of the father at the time of his death".

44. Section 8 (4) of the Sierra Leone Citizenship (Amendment) Act 1976 provides:

> "Any person under the age of twenty-one years (a) whose father or mother was a citizen of Sierra Leone by naturalization; (b) born outside Sierra Leone on or after the date on which the father or mother became a citizen as aforesaid, may if he desires to acquire citizenship of Sierra Leone, make an application thereafter for naturalization under the foregoing provisions of this section."

B. Freedom of expression/association

45. Section 25 of the 1991 Constitution of Sierra Leone guarantees freedom of expression which includes the freedom to hold opinions and to receive and impart information without interference. There are, however, certain limitations to this freedom where it is in the interest of public safety, public health, defence, public morality or for protecting the reputation, rights and freedoms of other persons.

C. Freedom of thought, conscience, religion

46. Section 24 of the 1991 Constitution deals with the protection of freedom of conscience which includes the freedom of thought and religion, freedom to change one's religion or belief and freedom either alone or in community with others and both in public and in private to manifest and propagate one's religious belief in worship, teaching, practice and observance. It is further provided that no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance, if it relates to a religion other than his own. In the case of minors the consent of parents or guardians will be required.

D. Access to appropriate information/education

47. Access to appropriate information is guaranteed in section 25 of the 1991 Constitution.

48. Section 9 requires the Government to ensure that all citizens enjoy equal rights and adequate education opportunities at all levels by providing education facilities at all levels, e.g. primary, secondary, vocational, technical, university, so that every citizen has the opportunity to be educated to the best of his ability, aptitude and inclination; by safeguarding the rights of vulnerable groups such as children, women and the disabled; and by providing the necessary structures, finance and supportive facilities for education as and when practicable.

E. Protection of privacy

49. Section 22 (1) of the 1991 Constitution provides that except with his consent no person shall be subjected to the search of his person or property or the entry by others onto his premises or interference with his correspondence, etc. except where such action is necessary for the health, safety, development and well-being of women, children and young persons, the aged and the handicapped.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance and responsibilities

50. Section 13 (h) of the 1991 Constitution imposes a duty on citizens to ensure the proper control and upbringing of their children and wards. Unfortunately, about 95 per cent of the population are ignorant about this provision and to date no proceeding has been instituted under this section notwithstanding the flagrant violations by some parents and guardians.

B. Separation from parents

51. Cap. 31 of the Laws of Sierra Leone also makes provisions for the arrest of offenders and the protection of children. For example, section 16 states that where there is a complaint that a child is exposed to risk of seduction, prostitution, being carnally known or living a life of prostitution the court may adjudge her parents or guardians to enter into recognizance to exercise due care and supervision in respect of the child. Sections 17 and 18 give the police power to lodge the child in a place of safety pending the hearing.

52. The Children and Young Persons Act, Cap. 44 of the Laws of Sierra Leone, Part IV, makes provision for children and young persons in need of care and protection. Depending on the circumstances, such persons can be sent to an approved school or committed to the care of any fit person, whether a relative or not, or any institution willing to undertake his care until the child or young person attains the age of 18 years or for any shorter period, or his parent or guardian ordered to enter into a recognizance to exercise proper care and guardianship, or, without making any other order or in addition to making an order, the court may place him for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose.

53. The Matrimonial Causes Act, Cap. 102 of the Laws of Sierra Leone, provides for the custody of children whose parents are divorced, judicially separated or whose marriage has been nullified. In any of those cases the court may from time to time, either before or by or after the final decree, make such provision as appears just with respect to the custody, maintenance and education of children.

C. Recovery of maintenance for the child

54. Section 19 of Cap. 31 of the Laws of Sierra Leone gives the court power to order the removal of a child from the custody of an unsuitable person. In cases where the court adjudges that a parent or guardian is an unsuitable person to have custody of a child, such court shall commit that child to a home or any other person and has power to order the parent or guardian to contribute towards the maintenance of that child.

D. Children deprived of a family environment

55. Sierra Leone is at present faced with a rebel war which has caused untold suffering and disruption of families resulting in the displacement of thousands of children, a good number of whom are separated from their parents. There are also refugee children who are here as a result of the war in Liberia. This is a new phenomenon in Sierra Leone and needs to be adequately addressed in the national laws.

E. Illicit transfers and adoption

56. The Adoption Act 1989 came into force on 13 December 1989 to provide for the adoption of children in Sierra Leone and for related purposes. This now prevents children from being "adopted" by foreigners and taken abroad without going through any formal procedure, as was the case in the past. This was an

unhappy state of events as a good number of children were "adopted" and take out of Sierra Leone by foreigners without going through any formal procedure and without the consent of the courts.

57. The court in an Adoption Order, may impose such terms and conditions a the court may think fit and in particular may require the adopter by bond or otherwise to make for the juvenile such provisions (if any) as in the opinio of the court are just and expedient.

F. Child abuse and neglect

58. Parents, guardians or any persons having the custody, charge or care o any child are under the obligation to take proper care of that child. It is an offence under section 4 (1) (d) of Cap. 31 of the Laws of Sierra Leone if any such person wilfully assaults, ill-treats, neglects, abandons or exposes such child or causes or procures such child to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause such child unnecessary suffering or injury to his health (including injury to or loss o sight or hearing or limb or organ of the body and any mental derangement) an a person is deemed to have neglected him in a manner likely to cause injury his health if he fails to provide adequate food, clothing, medical aid or lodging for the child. Under section 20 (1) of Cap. 31, where a child is committed to the care of any person, that person shall have the like control over that child as if he were the parent and shall be responsible for his maintenance and the child shall continue in the care of such person notwithstanding that he is claimed by his parent or any other person.

VII. BASIC HEALTH AND WELFARE

59. Following the change of Government on 29 April 1992, the Department of Health and Social Services of the National Provisional Ruling Council (NPRC) Government undertook important reforms in the health sector. A National Health Policy was formulated. This was accompanied by the National Health Action Plan establishing programme areas to address the major health problem of the country.

A. Survival and development

60. The high infant, child and maternal mortality rates resulting from mai preventable causes led to the implementation of health programmes focusing o the survival and development of the vulnerable groups, children and women.

61. Since the Almaty Conference, the Government of Sierra Leone has adopte Primary Health Care as the major strategy to promote health-care services to the population of this country. In this regard, emphasis has been placed on maternal and child health family planning services, provision of clean water and sanitation, and the control of communicable diseases.

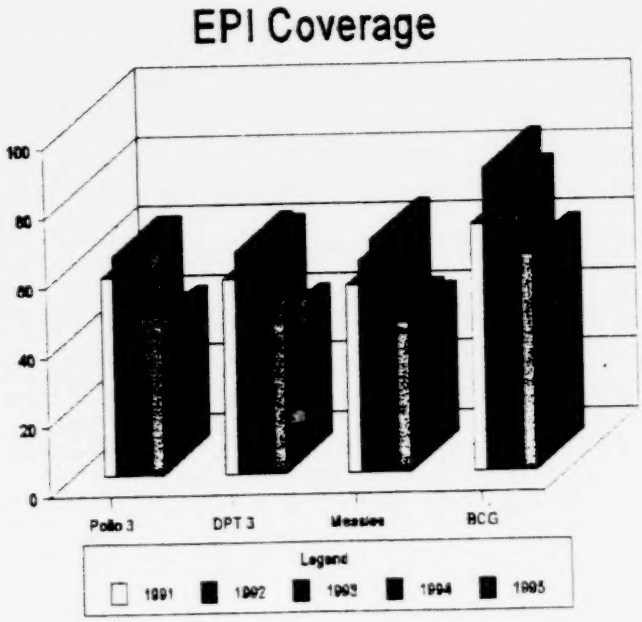
B. Maternal and child health family planning services

62. The implementation of this programme is expected to reduce significantly the infant and under-five mortality rates, as well as maternal mortality rates. Increased coverage of antenatal care and supervised delivery are expected to reduce the occurrence of low birth weight babies, whilst family planning services should reduce the fertility rate.

63. The present status of the various indicators and the levels for the year 2000 are as follows:

Indicator	Current status	Year 2000
Infant mortality rate (IMR)	135/1 000	70/1 000
Under-five mortality rate (U-5 MR)	273/1 000	130/1 000
Maternal mortality rate (MMR)	700/100 000	350/100 000
Tetanus toxoid (TT2)	60%	95%
Antenatal care (ANC)	56%	70%
Supervised delivery	40%	70%
Low birth weight	17%	10%
Oral rehydration therapy (ORT) coverage		
knowledge	80%	95%
use	70%	80%
Family planning		
accessibility	35%	70%
use	4%	10%
Total fertility rate (TFR)	6.5%	6%

Antigens	1991	1992	1993	1994	1995
Extended programme of immunization (EPI) coverage	%	%	%	%	%
BCG	71	87	79	56	62
DPT3/OPV3	56	64	63	41	43
Measles	54	61	67	44	43



C. Sanitation and safe water

64. The Water and Sanitation programme promotes health services which seek to improve the number of households with access to sanitation and safe drinking water.

Indicator	Current status	Year 2000
Sanitation	25%	70%
Urban	68%	
Rural	20%	
Safe drinking water	43%	70%
Urban	83%	
Rural	30%	

D. Nutrition

65. The Nutrition programme addresses the problem of poor nutritional status of the population, particularly children; it seeks to reduce significantly the number of children moderately or severely malnourished.

66. Results of a study conducted to assess the extent of iodine deficiency disorders (IDD) among schoolchildren in selected districts of the country show that 12 per cent, 32 per cent and 53 per cent of the children had mild, moderate and severe disorders respectively. As a result, the Government has

agreed on a policy of iodized salt and existing standards are being reviewed to incorporate the policy, starting from iodization of imported salt which accounts for 40 per cent of total salt consumption in this country. Already 92 per cent of imported salt is iodized, and equipment and supplies for iodization of locally produced salt are being installed in appropriate places.

Indicators	Current status	Year 2000
Nutrition		
Moderate malnutrition (U-5)	24%	12%
Severe malnutrition (U-5)	3.0%	1.5%
IDD		
Mild	12%	
Moderate	32%	
Severe	33%	
Salt iodization		
Imported	92%	100%
Locally produced	nil	80%

67. The extent of vitamin A deficiency has not yet been ascertained. However, the prevalence is presumed to be limited as the local diet consists of green vegetables and palm oil.

E. Disabled children

68. In line with the provisions of section 8 (3) f of the 1991 Constitution, the Social Services Division of the Department of Health and Social Services provides budgetary allocations to institutions that cater for the needs of disabled children, i.e. schools for the blind, deaf and dumb, Cheshire Home for handicapped children, SOS Villages and remand homes. To complement Government's efforts in the provision of services for the disabled, a non-governmental organization, the Sierra Leone Union on Disability Issues (SLUDI), has been formed. This is an umbrella organization completely run by the disabled themselves.

F. Health and health services

69. Since the NPRC Government came into power, the Department of Health and Social Services has undertaken important reforms in the health sector through:

(a) The approval in June 1993 of the National Health Policy indicating the overall direction and specific objectives for development of the health sector through the year 2000;

(b) The adoption in February 1994 of the National Health Action Plan (NHAP), which outlines the organization of health service delivery and health sector administration, establishes programme areas and estimates programme costs over the five-year period of the Plan.

70. The direction of the government health-care delivery system focuses on the development of preventive services while simultaneously strengthening the existing health delivery system, including Primary Health Care. As part of the long-term planning, a College of Medicine and Allied Health Sciences has been initiated to address in part the health manpower needs including health problems of the rural areas.

71. The strategic approach includes:

(a) The provision of a network of sound health facilities (primary, secondary, tertiary) appropriately staffed and logistically functional and accessible;

(b) Promotion of environmental health regarding basic sanitation measures relating especially to the supply of safe and adequate drinking water and improved sanitation in both urban and rural communities as well as the control of communicable diseases through the maternal and child health programmes such as the EPI, and also the adoption of public health services including the strengthening of health legislation;

(c) Promotion of community participation and involvement and intersectoral cooperation in health care delivery;

(d) The implementation of the Bamako Initiative further reinforced the Primary Health Care strategy. A major component of the BI was the active participation of the community in partnership with health care providers and donor agencies/NGOs in planning and providing health care services at the community level. Community representatives are involved in monitoring the Drugs Cost Recovery programme to ensure accountability and affordability of available health care services. They are also involved in the selection of women to be trained as traditional birth attendants in their community;

(e) Cooperation with international agencies and NGOs in the national drive towards better health for all with attendant genuine economic growth and social justice in the share of the national income and services, including health;

(f) Decentralization of the health care delivery system at regional and district levels;

(g) Privatization and "parastatalization" of certain services within the health care system.

G. Child care services and facilities

72. Child care services and facilities are provided both by Government and NOGs throughout the country. The Social Services Division of the Department of Health and Social Services acts in a supervisory role in the coordination

of these services and facilities. Government does not operate any day-care centres or crèches. This is carried out by NGOs and private individuals following guidelines set by Government. Orphanages are also run by NGOs, religious organizations and private individuals, mainly in the capital and major provincial towns of the country.

73. The rebel war that has been going on now for nearly five years has disrupted the social structure and caused the displacement and abandonment of children. Hundreds of children joined the armed forces. Some were conscripted into the government forces; others were abducted and forced to take up arms as rebels. In the middle of this rebel war, the NPRC Government ordered the demobilization of all child combatants. So far 570 child soldiers have been released by Government and 15 have also been released by the rebel forces.

74. In collaboration with international agencies, notably UNICEF, Government and NGOs have established programmes to cater for the needs of the children affected by the war. Reception and rehabilitation centres have been set up for the initial assessment and reintegration of the demobilized child soldiers, before their eventual placement into appropriate programmes. With the help of UNICEF, the Freetown City Council and Church organizations, drop-in centres have been established for street and unaccompanied children.

75. To complement Government efforts the National Council for Children (NCC) undertakes advocacy activities for the welfare of children.

76. The value of exclusive breast-feeding in the first four to six months of life is recognized and promoted. Several Government and private health care institutions are seeking to make their institutions "baby friendly" for child survival and development.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. National Education Policy

77. The guiding principles of the National Education Policy are:

(a) Each child should start formal education at age six;

(b) Every child should be encouraged to have some preparation and predisposition at nursery or kindergarten. This, however, is not a right yet, at this stage of our development, it is mainly given through private schools;

(c) Basic formal education should be nine years. It should be compulsory;

(d) Formal education should be broadbased with practical programmes that lead to skills acquisition.

78. The general aim of the new National Education Policy is the integral development of the individual for the building of: a free, just and peace-loving society; a democratic and harmonious society; a moral and disciplined society; a cohesive, healthy and strong nation with a sustainable and dynamic economy.

79. In this regard, education should be operated on the basis of partnership. It should be free of unwarranted discrimination, accessible to all, regardless of sex and ethnic, section, political or religious affiliation, in both formal and non-formal sectors. It should provide every citizen with an education that takes account of:

(a) The right of every child to basic education;

(b) Character development and cultivation of desirable attitudes;

(c) His/her interests, abilities and aptitudes;

(d) The manpower needs of the country;

(e) The need to correct gender imbalance;

(f) The country's economic resources with a view to ensuring that the education provided is of use to the country and at the same time of value to the individual in terms of achieving success in life.

B. Basic education

80. Basic formal education consists of six years of primary and three years of junior secondary schooling. Pupils are supposed to enter primary school at six years old, although the rule is not rigidly applied especially in the rural areas. At the end of their first six years in school, pupils take the National Primary School Examination (NPSE). Available figures show that the drop-out rate at primary school level is very high, up to 25 per cent between class I and II. The number of primary schools dropped from 1,850 in 1991 to 690 by the end of 1995, and these schools are mostly concentrated in the four main towns - Freetown, Bo, Kenema and Makeni. A study on the conditions of primary schools in Sierra Leone between October 1994 and January 1995 indicated that 50 per cent of the teachers were untrained and about 70 per cent of them were males. The enrolment rate of boys to girls was 60/40.

C. Tertiary education

81. Tertiary education is mainly offered by the University of Sierra Leone, comprising three constituent colleges (Fourah Bay College, Njala College, College of Medicine and Allied Health Sciences) and three institutes (Institute of Public Administration and Management, Institute of Adult Education and Extra-Mural Studies, Institute of Library Studies). The newly upgraded Milton Margai College of Education also offers tertiary education, along with several other teacher colleges.

D. Non-formal education

82. The non-formal primary education is now gradually being institutionalized within the community and government structure. The non-formal primary school system uses flexible timing and community management and provides the opportunity for pupils to continue education in order to complete their basic education at the primary school level.

83. To cater for the education of displaced children, the Department of Education, with UNICEF's support, has established camp schools to ensure their continuous education so that they too can be absorbed into the main regular school system. The camp school initiative now caters for over 2,400 children in the Western Area.

84. With the support of the Curriculum Development Unit of the University, Government has developed a curriculum on peace education, which hopefully is going to be introduced into all schools and child care institutions. This will enable children to learn the values of tolerance, peace, coexistence and non-violent skills for resolving conflicts.

IX. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

85. Sierra Leone's ongoing rebel war has resulted in the massive displacement of an estimated 690,000 children under 18 years of age of whom 145,000 are of primary school age. They have been hardest hit by the net capital outflow from the country, lack of private or public investment and a structural adjustment programme. With a majority of school structures destroyed, almost 70 per cent of children of primary school age are out of the school system and are faced with increased potential for high-risk behaviour and militarization.

86. About 2,500 child combatants have been involved in fighting on both sides of the conflict and in non-lethal roles. About 40 of these children have been demobilized and rehabilitated, and almost 50 per cent of them successfully reintegrated into their communities.

87. It is estimated that there are 5,000 unaccompanied and street children in Freetown and the major provincial towns. Non-residential "drop-in" centres have been established to provide basic health, education, recreation and psycho-social services to these children.

88. Some refugee children were held as rebel suspects and detained. In response to advocacy, the Government released all child rebel suspects.

B. Children in conflict with the law

89. The administration of juvenile justice is carried out by the Juvenile Court presided over by a qualified magistrate and two justices of the peace; this court does not adhere to the very strict rules of procedure. The Juvenile Court is established by virtue of section 3 of Cap. 4 of the Laws of Sierra Leone; in the Juvenile Court no person other than the members and officers of the court, the relatives of the accused and the parties to the

case, their advocates and persons directly concerned with the case shall, except by leave of the court, be allowed to attend; bona fide representatives of a newspaper or news agency may attend but "no person snall publish the name, address, school, photograph or anything likely to lead to the identification of the child or young person before the juvenile court" except with the permission of the court (sect. 3 (5), Cap. 44).

90. Under section 5, where a person under the age of 17 years is apprehended with or without a warrant and cannot be brought before a court, the officer in charge of the police station to which such person is brought shall release such person on a recognisance being entered into by him or by his parents or guardian, or other responsible person with or without sureties, unless:

(a) The charge is one of homicide or any offence with imprisonment for a term exceeding seven years; or

(b) It is necessary in the interest of such person to remove him from association with any undesirable person; or

(c) The officer has reason to believe that the release of such a person would defeat the ends of justice.

91. Section 6 imposes a duty on the Commissioner of Police to make arrangements for preventing, so far as practicable, a child or young person while in custody from associating with an adult, other than a relative, charged with an offence.

92. Under section 16, "If the child or young person admits the offence and the court accepts the pleas or if after hearing the witnesses the court is satisfied that the offence is proved, the court shall record that the offence is proven and shall then, except in cases where the circumstances are so trivial as not to justify such a procedure, obtain such information as to his character, antecedents, home life, health and occupation as may enable it to deal with the case in the best interest of the child or young person and may put to him any questions arising out of the information". The court has power under section 17 to require the attendance of a child or young person charged with an offence.

93. As has already been stated, "No child shall be sentenced to imprisonment unless the court considers that none of the other methods of dealing with the child is suitable".